

# **TOWN OF MASHPEE ANNUAL TOWN MEETING**

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 20<sup>th</sup> day of October 2014 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 revenue available for appropriation \$1,381.83 to pay previous fiscal year unpaid bills as follows:

Muni-Tech, Inc.	\$ 810.15
Buckler's Towing Service, Inc.	\$ 450.00
Judith Daigneault, Board Secretary	<u>\$ 121.68</u>
 TOTAL	 \$1,381.83

Submitted by the Board of Selectmen

**Explanation:** This article is necessary to pay FY2014 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, 1 absent.**

## **Article 2**

To see if the Town will vote to appropriate and transfer from revenue available for appropriation \$240,000 to fund the Firefighters Union Contract settlement effective July 1, 2012 and July 1, 2013, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** This article will fund a contract settlement for FY2013 and FY2014.

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

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

### **Article 3**

To see if the Town will vote to appropriate and transfer from revenue available for appropriation \$120,000 to the Firefighter Salary Account, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** Should Article 2 be approved, this article will be necessary to fund a shortfall in the Firefighter Salary Account for FY2015, created by the contract settlement funded in the previous article.

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

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

### **Article 4**

To see if the Town will vote to appropriate and transfer from revenue available for appropriation \$30,000 to fund the Personnel Administration Plan (P.A.P.) Appendix B and Appendix C employees, including the Plumbing and Wiring Inspectors, effective July 1, 2014 with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** This article will fund a cost of living adjustment for FY2015 to employees whose positions are classified under the Town's Personnel Administration Plan.

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

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

### **Article 5**

To see if the Town will vote to appropriate and transfer from revenue available for appropriation \$32,000 to fund the SEIU, Local 888, AFL CIO, Public Works Unit Contract effective July 1, 2014 with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** This article will fund year one of a three-year contract between the Town and the Public Works Unit.

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

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

## **Article 6**

To see if the Town will vote to appropriate and transfer from revenue available for appropriation \$30,000 to fund the Administrators Contract Units A, B, & C effective July 1, 2014 with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** This article will fund year one of a three-year contract between the Town and the Administrators Units.

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

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

## **Article 7**

To see if the Town will vote to appropriate and transfer \$15,000 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:** This article will transfer funds from the Waterways Improvement Fund to be used by the Harbormaster, under the direction of the Police Chief, for necessary equipment, repairs and maintenance.

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

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

## **Article 8**

To see if the Town will vote to appropriate and transfer \$30,000 from the Waterways Improvement Fund to the Waterways Comprehensive Permit Account, or take any other action relating thereto.

Submitted by the Waterways Commission

**Explanation:** This article will transfer funds from the Waterways Improvement Fund to be used to cover unforeseen engineering requirements that might arise during our upcoming, comprehensive permit submittal review with the State.

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

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

## Article 9

To see if the Town will accept the provisions of Chapter 32B, §20 of the Massachusetts General Laws to allow any funds the Town receives as a sponsor of a qualified retiree prescription drug plan under 42 U.S.C., §1395w-132, to be dedicated to and become part of the OPEB fund, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** The Town, as a sponsor of a qualified retiree drug program, receives reimbursement. Approval of this article will authorize deposit of said funds directly to the other Post Employee Benefit Trust Fund.

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

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

## Article 10

To see if the Town will vote to appropriate and transfer from revenue available for appropriation \$135,000 to purchase and equip a light brush truck for the Fire Department, or take any other action relating thereto.

Submitted by the Fire and Rescue Department

**Explanation:** This article would fund the replacement of the 1974 brush breaker truck that went out of service during a brush fire this past spring. Due to its age, safety concerns and uncertain repair costs, the vehicle has been taken out of service permanently. The new brush truck is needed for the next fire season, which begins at the start of the new calendar year.

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

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

## Article 11

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 FY2015 estimated Community Preservation revenues, the following amounts:

\$ 144,892.00	10% for Open Space/Recreational Purposes
\$ 144,892.00	10% for Historic Preservation Purposes
\$ 144,892.00	10% for Affordable Housing Purposes
\$1,014,247.00	To the FY2015 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:** The annual article would set aside 10% of the estimated Community Preservation Funds as required for Open Space/Recreation Purposes, Historic Preservation Purposes and Affordable Housing Purposes.

The Community Preservation Committee voted unanimously, 6-0 to approve the 10% Reserves and Budgeted Reserve to be available for use in FY2015 to be certified by the Town Accountant and reflected in the FY2015 CP-1.

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

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

## **Article 12**

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 FY2015 Community Preservation Budgeted Reserve for Appropriation, the following amounts:

\$37,587.00	10% for Historic Preservation Purposes
\$37,587.00	10% for Affordable Housing Purposes

or take any other action relating thereto.

Submitted by the Community Preservation Committee

**Explanation:** This is a clean-up article to meet the requirement of reserving funds from the supplemental CPA FY2014 trust fund distribution. After receiving additional CPA funding from the FY2014 state budget, a total of \$375,871, the annual 10% appropriation is required to be set aside to the 10% Reserves. For this appropriation, it is not a requirement to set aside the 10% Reserves in the Open Space category because the amount paid in debt for open space purposes in FY2014 exceeded the additional \$37,587.

The Community Preservation Committee voted unanimously, 6-0 to approve the 10% Reserves to be available for use in FY2015 to be certified by the Town Accountant and reflected in the FY2015 CP-1.

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

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

## **Article 13**

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

Add the following Chapter:

## **CHAPTER 107 – MASHPEE NITROGEN CONTROL BYLAW**

### **§107-1. Purpose**

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

This Town Bylaw is also critical to reducing Mashpee's Total Maximum Daily Load (TMDL) of nitrogen. Mashpee is presently in violation of the Clean Water Act because of excess nitrogen entering the town's estuaries. The Cape Cod Commission has estimated that reducing nitrogen from outdoor lawn applications to coastal estuaries and embayments by fifty percent (50%) could save the taxpayers of Mashpee \$40 million dollars in sewerage and other wastewater treatment expenses. Scientifically we know this can be done without affecting the quality of turf in Mashpee.

### **§107-2. Applicability**

This Bylaw shall apply to and regulate any and all applications of nitrogen through fertilizer on managed turf areas within the Town of Mashpee.

### **§107-3. Definitions**

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

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

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

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

"Fertilizer" means a substance that enriches the soil with elements essential for plant growth, such as nitrogen, phosphorus, potassium or other substances; fertilizer does not include those nutrients that are normally excluded from fertilizer such as chemicals that are part of horticultural gypsum, dolomite, limestone, lime, Jersey greensand, grass clippings, or compost

topdressing; compost tea and liquid seaweed, as defined and applied in accordance with standards in Section 5(f), is also excluded from the definition of fertilizer.

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

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

“MDAR Fertilizer Regulations” means the most recent regulations of the “Plant Nutrient Application Requirements for Agricultural Land and Land Not Used for Agricultural Purposes”, developed by the Massachusetts Department of Agricultural Resources (MDAR) pursuant to its authority under G.L. c. 128, Sections 2(k) and Section 65(A), as amended by St. 2012, c. 262. 330 CMR 31.00. The application of phosphorus in fertilizer is regulated, for the purposes of this Bylaw, by the MDAR Fertilizer Regulations.

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

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

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

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

#### **§107-4. Performance Standards**

All application of nitrogen to turf shall comply with the following standards:

- A. The application of nitrogen is prohibited between October 30<sup>th</sup> and April 14<sup>th</sup> unless specifically permitted by the Town Board of Health, the Town Conservation Commission or the Board of Selectmen, as set out below. Based on early spring or fall weather conditions, soil temperature and degree of turf emergence from dormancy, or other relevant condition, and using the guidelines of the BMP, the Town Board of Health, the Town Conservation Commission, or the Board of Selectmen may permit earlier or later application of nitrogen, in which case such extended period shall be announced by notice or publication. A working group may be established by the Board of Selectmen to assist in undertaking the duties referenced in this paragraph.

- B. No person shall cause nitrogen from any fertilizer application to apply to, or otherwise be deposited on any impervious surface including parking lot, driveway, roadway, sidewalk, frozen soil or ice. Any fertilizer applied, spilled, and/or deposited on any impervious surface, either intentionally or accidentally, must be immediately and completely removed and contained and either legally applied to turf or any other legal site or returned to an appropriate container.
- C. No person shall apply nitrogen 24 hours before or during a heavy rain event or apply nitrogen onto saturated ground. An application of nitrogen should be watered in with no more than one-quarter inch (0.25 inch) of irrigation or natural rain within the next 24 hour period.
- D. The application of nitrogen is prohibited within 100' of the following Resource Areas, as defined in The Mashpee Wetlands Protection Bylaw, Section 2 and Regulations: any freshwater or coastal wetlands; marshes; wet meadows; bogs; swamps; vernal pools; lakes; ponds; rivers, streams; creeks; and estuaries. Notwithstanding the above, where there is a 50' naturally vegetated buffer zone to any freshwater or coastal wetlands; marshes; wet meadows; bogs; swamps; vernal pools; ponds; lakes; and estuaries, an application of nitrogen is prohibited within 50' of that protected Resource Area. An application of nitrogen is prohibited within 100' of any rivers; streams; and creeks, as defined in the Rivers Protection Act, Chapter 258 of the Acts of 1996. There are alternative methods of enhancing turf within these prohibited areas without application of nitrogen; see Sections 5(e) and 5(f). A Certified Fertilizer Applicator may apply to the Town Conservation Commission for approval to authorize limited applications of nitrogen on turf within these prohibited areas. A working group may be established by the Town Conservation Commission to assist in undertaking the duties referenced in this paragraph.

#### **§107-5. Exemptions**

The following activities shall be exempt from Section 4:

- A. Application of nitrogen for agriculture and horticulture uses; these applications are regulated by the MDAR Fertilizer Regulations.
- B. Application of fertilizer to golf courses, except that any application of nitrogen on greens or fairways within Resource Areas referenced in Section 4(d) shall comply with the Recommendations set forth in Section 6, and shall use 85% or higher slow-release, water-insoluble nitrogen, in organic or inorganic form applied with drop spreaders or spreaders with side guards to prevent application onto Resource Areas and other non-turf areas. Golf courses with liners installed adjacent to ponds and other Resource Areas to prevent leaching of nitrogen are exempt from Section 4(d) in those areas where such liners are installed.
- C. Application of nitrogen to gardens, including vegetable and flower, trees, shrubs and indoor applications including greenhouses; these applications are regulated by the MDAR Fertilizer Regulations,



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

#### **§107-6. Recommendations**

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

#### **§107-7. Enforcement Authority**

The enforcement authority for Performance Standards 4(a-c) shall be the Agents of the Board of Health or his or her designees. Enforcement of the provisions in Section 4(d) shall be the Agents of the Conservation Commission or his or her designees.

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

#### **§107-8. Severability Clause**

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

or take any other action relating thereto.

Submitted by the Board of Selectmen  
& the Environmental Oversight Committee

**Explanation:** Excess nitrogen is degrading Popponesset and Waquoit Bays, both of which are vital to our economy. The principle cause are septic systems and cesspools, but the second leading cause of excess nitrogen is lawn fertilizers. Lawn fertilizers are also a leading cause of pollution of our valuable ponds and streams.

To protect taxpayers and property owners from the potentially huge expense of a court-mandated sewer infrastructure program, the Town of Mashpee has developed a range of strategies to protect our environment and demonstrate that we can deal with this problem ourselves—including the expansion of shellfish harvesting in the Town estuaries, better management of stormwater runoff, and development of the Watershed Nitrogen Management Plan. The Nitrogen Control Bylaw, sponsored by the Board of Selectmen and the Environmental Oversight Committee, is the next step to improve water quality and reduce the potential burden on taxpayers and property owners.

Without any real cost to taxpayers, this Bylaw adopts common-sense “best management practices” to reduce nitrogen from lawn fertilizers from getting into our bays, ponds, streams and groundwater, while also allowing us to have attractive, green lawns. The Cape Cod Commission has estimated that if Mashpee can reduce the nitrogen getting to our estuaries from lawn fertilizers by just fifty percent, the Town of Mashpee could save up to *\$40 million* in wastewater infrastructure costs - which could mean nearly 1,000 fewer homes would need to be sewerred.

The Bylaw, similar to Bylaws passed overwhelmingly in Falmouth and Orleans, is designed to do just that: clean water and fewer burdens on taxpayers and property owners.

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

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

#### **Article 14**

To see if the Town will vote to amend the Zoning Bylaw as follows:

Amend Section 174-24C.3. by adding a new second sentence reading as follows: “In addition, the application shall indicate any portions of the site which lie within the areas mapped as High Sensitivity or Moderate Sensitivity on the maps of Pre-Contact and Post-Contact Archaeological Sensitivity included in the Final Technical Report of the Archaeological Reconnaissance Survey prepared for the Town of Mashpee by The Public Archaeological Laboratory, Inc. and dated December 2011.”

or take any other action relating thereto.

Submitted by the Planning Board

**Explanation:** This article would include archaeological sensitivity of a site in the items to be considered in the review and approval of Special Permits.

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

**The Finance Committee voted 3-3 on this article, resulting in no recommendation.**

#### **Article 15**

To see if the Town will vote to amend the Zoning Bylaw as follows:

Amend Section 174-47B.10. by deleting the fourth sentence and replacing it with the following two sentences:

“No occupancy permits may be issued for residences on more than half of the approved market-rate lots until completion of each of said deed-restricted affordable homes, or upon donation of, and recording of deeds to, the lots set aside for such deed-restricted affordable homes to the Town or to a public or non-profit housing agency or trust. Where completion and sale of said deed-restricted homes or donation of said lots is not done within three (3) years of the approval of the Special Permit, the additional market-rate lots referenced above shall be considered permanently unbuildable and part of the restricted open space.”

or take any other action related thereto.

Submitted by the Planning Board

**Explanation:** This article would amend the affordable housing requirements of the Cluster Subdivision Zoning Bylaw by restricting the issuance of occupancy permits for half of the residences in the development until the required affordable housing provisions have been met. In addition, it removes the provision that the affordable housing lots would become part of the open space after 3 years, but leaves the provision that the extra market-rate lots would do so. Both are intended as incentives and enforcement mechanisms to ensure the provision of the required affordable housing in a timely manner.

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

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

## **Article 16**

To see if the Town will vote to propose an amendment to the Mashpee Home Rule Charter pursuant to the provisions of M.G.L. c. 43B, §10(a) by revising the third paragraph of Section 2-11 (Report to the Voters) to read as follows (additional language in *italics*):

“One copy of the warrant and report shall be delivered, mailed, *or sent by electronic mail (email)* not later than the seventh (7th) day prior to the date on which the opening session of the annual town meeting is to be held to each residence that contains one or more registered voters.”

as recommended by the Charter Review Committee, or take any other action relating thereto.

Submitted by the Charter Review Committee

**Explanation:** Approval of this article will give residents the option of receiving the Town Meeting Warrant/Report by e-mail.

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

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

## Article 17

To see if the Town will vote to propose an amendment to the Mashpee Home Rule Charter pursuant to the provisions of M.G.L. c. 43B, §10(a) by revising the second sentence of Section 3-1(i)(3) to read as follows (revised language in *italics*):

“The number of signatures of voters required to place the name of a candidate on the official ballot for use at a recall election shall not be less than *fifty*.”

as recommended by the Charter Review Committee, or take any other action relating thereto.

Submitted by the Charter Review Committee

**Explanation:** Approval of this article will increase the number of signatures of registered voters required to place a candidate on the ballot at a recall election. It is currently 25.

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

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

## Article 18

To see if the Town will vote to propose an amendment to the Mashpee Home Rule Charter pursuant to the provisions of M.G.L. c. 43B, §10(a) by amending the fifth sentence of Section 3-1(i)(4) to read as follows (revised language in *italics*):

“If a majority of the votes cast is in favor of the recall, and provided that at least *ten* percent of the total number of voters as of the date of the most recent Town election have participated at such recall election, the officer shall be deemed to be recalled and the ballots for candidates shall then be counted, and the candidate receiving the greatest number of votes shall be declared elected.”

as recommended by the Charter Review Committee, or take any other action relating thereto.

Submitted by the Charter Review Committee

**Explanation:** Approval of this article will reduce the 20% requirement of the total number of voters participating in a recall election to 10%.

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

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

## Article 19

To see if the Town will vote to propose an amendment to the Mashpee Home Rule Charter pursuant to the provisions of M.G.L. c. 43B, §10(a) by deleting the following sentence relative to

the powers and duties of the Town Moderator from Section 3-4(b) and adding said sentence to the end of Section 3-6(b):

“The Town Moderator, or a designee of the Town Moderator, shall, further, review the meeting minutes of all multi-member bodies appointed by the Town Moderator.”

as recommended by the Charter Review Committee, or take any other action relating thereto.

Submitted by the Charter Review Committee

**Explanation:** If approved, the responsibility of reviewing the minutes of all multi-member boards appointed by the Moderator will fall to the Moderator or his/her designee.

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

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

## **Article 20**

To see if the Town will vote to propose an amendment to the Mashpee Home Rule Charter pursuant to the provisions of M.G.L. c. 43B, §10(a) by revising the first sentence of Section 7-7 (b) relative to the By-Law Review Committee to read as follows (revised language in *italics*):

“*At least once in every ten years*, the Board of Selectmen shall cause to be prepared by a special committee appointed for that purpose, a proposed revision or recodification of all by-laws of the Town which shall be presented to the Town Meeting for reenactment at *a session of* the Annual Town Meeting in the year following the year in which the said committee was appointed.”

as recommended by the Charter Review Committee, or take any other action relating thereto.

Submitted by the Charter Review Committee

**Explanation:** If approved, this article will change the mandatory Bylaw review period from five years to ten years.

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

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

## **Article 21**

To see if the Town will vote to propose an amendment to the Mashpee Home Rule Charter pursuant to the provisions of M.G.L. c. 43B, §10(a) by revising Sections 7-8 (b) and (c), relative to procedures governing multi-member bodies, to read as follows (revised language in *italics*):

“(b) **Rules and Written Records** – Each multiple member body shall determine its own rules and order of business unless otherwise provided by this charter or by law and shall provide for the keeping of *written records/minutes* of its proceedings. *Pursuant and subject to provisions of*

*applicable law and by-laws relative to the administration of public records, all multi-member bodies shall file with the Town Clerk certified copies of all such rules and minutes, including all revisions and amendments thereto, forthwith upon adoption thereof. In the event of any discrepancy between the certified copies of rules and minutes on file with the Town Clerk and the original documents on file with each respective multiple member body, the original documents shall be deemed to be the “official” version thereof”.*

**“(c) Voting** – Except on procedural matters, the vote of each member of all multiple member bodies shall *be roll call votes and shall be recorded in the meeting minutes as such.*”

as recommended by the Charter Review Committee, or take any other action relating thereto.

Submitted by the Charter Review Committee

**Explanation:** If approved, this article will assure that the Town Clerk will have updated and accurate copies of all meeting minutes and rules of Town boards, commission and committees, and it clarifies the procedure by which votes are to be taken by all multiple-member bodies.

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

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

## **Article 22**

To see if the Town will vote to propose an amendment to the Mashpee Home Rule Charter pursuant to the provisions of M.G.L. c. 43B, §10(a) by revising the third sentence of Section 8-5(h), regarding the constitution of the Town Manager Screening Committee, to read as follows (revised language in *italics*):

“The screening committee shall consist of seven persons who shall be chosen as follows: The Board of Selectmen shall designate two members, the Town Moderator, the Finance Committee, the *Director of Human Resources, the School Committee and the Economic Development and Industrial Corporation* shall each designate one member.”

as recommended by the Charter Review Committee, or take any other action relating thereto.

Submitted by the Charter Review Committee

**Explanation:** If approved, this article will allow for expansion of the Screening Committee for the position of Town Manager. The Board of Selectmen will remain as the hiring authority.

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

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

## **Article 23**

To see if the Town will vote to authorize and empower the Board of Selectmen to prepare a plan laying out and defining Windsor Way, Saxony Drive, Victoria Circle, Tudor Terrace and Sheffield Place, and to accomplish said purpose and for expenses related thereto, the Town vote to appropriate and transfer from revenue available for appropriation \$5,000 to the Windsor Way Roadways Account, or take any other action relating thereto.

Submitted by Petition

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

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