

MINUTES BOARD OF SELECTMEN OCTOBER 16, 2008

Present: Linell Grundman, John Kennan, Frank Pannorfi, Randal Hunt, Dana Barrette

George Dunham, Douglas Lapp, SACAT, Shawn Murray, Mike Baker, Paul Kilty, Richard Connor, Jeanie Vanderpyl, Mark Wiklund, Jonathan Shaw, Chris Bailey, Dave Curtis, Attorney Joseph Berlandi, John Santoro, Denise Donahue, Mr. Donahue, Attorney Tom Souza, Abdul Hafez Mian, residents present for liquor license hearing, Leo Finn

PLEDGE OF ALLEGIANCE

REVIEW AND APPROVAL OF MINUTES

Mr. Kennan moved the minutes of October 9 as presented. Mr. Pannorfi seconded. Unanimous.

TOWN MANAGER'S REPORT

1. The pre-Town Meeting meeting is next Friday at 2:00, 16 Jan Sebastian Drive. The Warrant is now posted on the Town website.
2. A presentation of the Cape Cod Commission Land Use Vision Map is being held on October 21, 16 Jan Sebastian Drive at 7:00 p.m.
3. Town Planner Greg Smith has proposed a By-law Review Committee comprised of one member from the Planning Board, one from the Zoning Board and 3 members at-large appointed by the Selectmen. Mr. Dunham will make a recommendation to the Board on the three at-large members.
4. The Governor's Office has announced the State budget cuts. So far local aid has been spared.

CORRESPONDENCE/STATEMENTS/ANNOUNCEMENTS

1. Mr. Kennan and Ms. Grundman attended the Octoberfest fundraiser sponsored by the Council on Aging at the Aqua Grill. The money raised will go towards fuel assistance which is available to all eligible residents, not just seniors. The COA will also accept donations for this account.
2. Ms. Grundman and Mr. Pannorfi attended the Cape & Islands Selectmen's Association meeting. The group took a vote to take a strong stand against Question 1.
3. Ms. Grundman attended the Textron briefing last evening. Also present was Health Agent Dave Mason.
4. The Annual Massachusetts Municipal Association Meeting is this Saturday in Sturbridge.

5. Attorney General Martha Coakley has created a new newsletter for ratepayers for energy related information. The newsletter can be found on the Attorney General's website.
6. Ms. Grundman announced the next No Place For Hate informational meeting is Monday, October 20th 10:00 a.m. -11 a.m. at Oak Crest Cove.
7. Mr. Barrette and Mr. Kennan attended the SEIC Task Force public outreach session held by Chris Bailey on Tuesday night.

PUBLIC FORUM

None

STAFF MEETING

Appointments

1. **Mr. Kennan moved to appoint Robert Whearty as an alternate to the Zoning Board of Appeals through June 30, 2009. Mr. Pannorfi seconded. Unanimous.**
2. **Mr. Kennan moved to appointed Shawn Murray as a full-member to the Economic Development committee through June 30, 2009. Mr. Pannorfi seconded.**
3. **Mr. Barrette moved to appoint Maureen McNamara to the Commission on Disabilities through June 30, 2010. Mr. Pannorfi seconded. Unanimous.**
4. **Mr. Barrette moved to appoint Polly Sherman to the Commission Disabilities through June 30, 2011. Mr. Pannorfi seconded. Unanimous.**

Capital Improvement Planning Committee (CIPC)

Mike Baker and Paul Kilty updated the Board on the CIPC's recent activities. The Board agreed that they and the CIPC were on the same page as far as the CIPC Scope of Responsibility.

Library Trustees

Library Trustee Jeanie Vanderpyl, Consultant Mark Wicklund, and Librarian Richard Connor were present to update the Board on the Library building needs analysis. The Trustees are planning to apply for another grant; however, in order to apply, the Board of Library Commissioners' requires that the Library have under its control a parcel of land. **Mr. Hunt moved that the Board of Selectmen approve assigning three (3) acres of land to be located on the 80 acre Peters Pond Property for the purpose as requested tonight by Library Trustees. Mr. Barrette seconded. Unanimous.**

Historical Commission

Jonathan Shaw, Co-Chair Historical Commission, updated the Board on the Commission's recent activities, the recent CPC projects including archiving the Town's records, the Old Town Cemetery RFP, the Town Hall project, renovations to First Church and the dam. Mr. Shaw mentioned the historic attributes of the dam site and hopes it will be open to the public. Finally, he mentioned the Commission is having a historic house

marker program for homes over 100 years old. The program is voluntary and anyone interested in participating can contact the Commission.

SEIC Task Force

Dave Curtis and Chris Bailey were present to discuss their recent activities. Mr. Curtis discussed the on-going revisions to the SEIC legislation and felt that it needs to be reviewed by Town Counsel and State Counsel before being brought to Town Meeting. Mr. Curtis also mentioned the coordinated efforts between the SEIC and the Local Comprehensive Plan. **Mr. Hunt moved that the Board take a vote of confidence in the Task Force indicating the Board's support of the Task Force and for the concept of forming the SEIC. Mr. Pannorfi seconded.** Ms. Grundman was not in support of this motion stating she needs to see the final draft legislation before she is willing to vote. Mr. Kennan said the vote is only a vote of confidence. Ms. Grundman stated it the perception to the community and hat she supports the efforts but wants the public to be clear. **Mr. Pannorfi moved the motion. Motion passes 4 ayes to 1 opposed.**

Mr. Bailey requested to be put on a future agenda to discuss the legislation in more detail.

PUBLIC HEARING – Availability of Additional Annual All Alcoholic Package Goods Store License

Mr. Pannorfi opened the hearing. Mr. Hunt seconded. Mr. Kennan recused himself as one of the applicants was a prior client of his. Mr. Pannorfi stated he had attended the State House hearing regarding the additional license legislation but not on behalf of the applicants. Ms. Grundman mentioned that one of the applicants lives across the street from her but it was agreed this would not affect her voting on the issue. **Motion passes 4 ayes to 1 abstention.** Mr. Dunham briefly gave a history on the new license. Town Counsel recommended the process of opening the application process to all who are eligible. An ad was placed in the newspaper announcing the availability of the new license. Three applications were received: Sandwich Mart and Spirits, Cellar 55 and Merchants Square Liquors.

Mr. Hunt stated he will be asking all the applicants a series of questions.

Merchant Square Liquors, John Santoro, Manager

Attorney Joseph Berlandi and application John Santoro were present and briefly gave an overview of the reasons for their interest in the license. Currently, Merchant Square Liquors has an Annual Beer and Wine License and a Seasonal All Alcoholic.

Mr. Hunt: Do you have any open or pending actions against you with the Town or the ABCC:

Mr. Santoro: No.

Mr. Hunt: Do you have any prior convictions by the Town or the ABCC?

Mr. Santoro: No

Mr. Hunt asked the reason for seeking the license.

Mr. Santoro had given his reasons during his opening statement.

Mr. Hunt asked if there were any abutter objections.

Mr. Santoro: No.

Mr. Hunt asked if the Police Department had cleared the application.

Ms. Coggeshall replied the Police Department reviewed and clear all three applicants. The Board stated that they received many phone calls and e-mails supporting Mr. Santoro's application.

Cellar 55, Kristen Buzzell, Manager

Denise Donaghue, applicant Kristin Buzzell's mother, was present on behalf of Ms. Buzzell who is in California meeting with wine makers. Mrs. Donaghue explained that Ms. Buzzell previously owned a wine store in Canton for five years. Mrs. Buzzell currently lives in Sandwich and has recently been issued a seasonal all alcoholic liquor license. The store is in the construction phase and is not yet open.

Mr. Hunt reviewed the different licenses issued and that Ms. Buzzell's current license only allows for alcohol sales from April 1 – January 15.

Mr. Hunt: Do you have any open or pending actions against you with the Town or the ABCC:

Mrs. Donaghue: No.

Mr. Hunt: Do you have any prior convictions by the Town or the ABCC?

Mrs. Donaghue: No. Mr. Donaghue stated that there were no violations at her Canton store either.

Mr. Hunt asked the reason for seeking the license.

Mrs. Donaghue responded that it would benefit the business to have the year-round license. Under the current seasonal license they would also be selling top end liquors.

Mr. Barrette mentioned it would be the owner's business decision to have the annual beer and wine license with no alcohol or the seasonal all alcohol license.

Mr. Donaghue added that they would be interested in an Annual Wine and Malt if they were not issued the annual All Alcohol– that the alcohol would be a bonus.

Mr. Hunt asked if there were any abutter objections.

Mrs. Donaghue – No.

Mr. Hunt noted that as previously mentioned, all three applications cleared the Police Department.

The Board discussed the ABCC quota and that the additional new license is only available due to the special legislation. The issuance of licenses is based on the population and it is unlikely another full year-round license will become available; however, if Merchant's Square is issued the new license, then their current year-round beer and wine license will become available.

Sandwich Mart & Spirits, Abdul Hafez Mian, Manager

Attorney Tom Souza and owner Abdul Hafez Mian, Sandwich Mart and Spirits were present. Attorney Souza explained his clients interested in the license as Mr. Mian currently holds an annual wine and malt license. Mr. Souza said he believed Sandwich Mart should be given the license due to public need and convenience and the Mart's location.

Mr. Hunt: Do you have any open or pending actions against you with the Town or the ABCC?

Attorney Souza stated yes there is a pending action against Mr. Mian at the ABCC. Attorney Souza explained that Mr. Mian was short a few cases of beer and borrowed four cases from another store in another Town. The ABCC did a spot inspection and found the four cases. Attorney Souza said Mr. Mian was unaware this was against the rules and has learned his lesson. The hearing date before the ABCC is October 28, 2008.

Mr. Hunt: Do you have any prior convictions by the Town or the ABCC?

Mr. Main: No

Mr. Hunt asked the reason for seeking the license.

Attorney Souza stated they would like a full alcoholic license to meet the public need and convenience.

Mr. Hunt asked if there were any abutter objections.

Mr. Mian – No.

Mr. Hunt noted the Police Department had cleared the application.

No public comment.

Mr. Pannorfi moved to close the public hearing. Mr. Hunt seconded. Unanimous.

Mr. Pannorfi moved to approve an Annual All Alcohol Package Goods Store License to John Santoro LLC, d/b/a Merchant's Square Liquor, Unit 1A, 8 Merchant Road, Mr. Hunt seconded. Mr. Pannorfi, Mr. Hunt, Mr. Barrette, Ms. Grundman so moved. Unanimous.

Mr. Kennan returned.

CHANGE OF MANAGER BRITISH BEER COMPANY

Mr. Leo Finn was present to introduce himself as the new proposed manager for the British Beer Company. The application has been approved by the Police Department.

Mr. Pannorfi moved to accept Change of Manager for the British Beer Company to Leo Finn. Mr. Kennan seconded. Unanimous.

OLD BUSINESS

1. The Special Town Meeting is Monday, October 27, 7:00 p.m. at the High School. The Board briefly discussed the public safety study article.
2. The Tri-Board meeting with the School Committee and Finance Committee is Wednesday, November 19.
3. The Board's next meeting is October 30 and there are several public hearings scheduled, including the Annual Fee Hearing.

PUBLIC FORUM

None

CLOSING REMARKS

Mr. Barrette commented that some members of the general public believe that the LCP cannot be implemented without the SEIC which is not true and is not the message sent at the last SEIC meeting.

ADJOURNMENT

Mr. Kennan moved to adjourn at 9:25 p.m. Mr. Pannorfi seconded. Unanimous.

Respectfully submitted,

Kathleen Coggeshall