

MINUTES BOARD OF SELECTMEN JANUARY 22, 2009

Present: John Kennan, Frank Pannorfi, Randal Hunt

George Dunham, Douglas Lapp, SACAT, Sandwich Enterprise, Upper Cape Codder, Greg Smith, Town Counsel Richard Bowen, Officers Michael Wood, Sgt. Joseph Cotter, Sgt. Daniel O’Connell, Officer Crista Cabral, Officer William Patton, Officer Joshua Bound, William George, Joe Wait Chow Leung, Attorney Brian Wall, Stefanie Celata, Charles Kleekamp, Carl Johansen, Frank Antonolli



PLEDGE OF ALLEGIANCE

REVIEW AND APPROVAL OF MINUTES

Mr. Pannorfi moved to approve the minutes of January 8, 2009. Mr. Hunt seconded. Unanimous.

TOWN ADMINISTRATOR’S REPORT

1. Finance Committee next meeting is Tuesday, February 3 at 7:00 at the Library.
2. The Board is invited to the next Town Hall project meeting with the architect and project manager on Mon. February 2. The Community Preservation Committee is also meeting on the 2nd.
3. Mr. Dunham and several Board members will be attending the annual MMA meeting tomorrow and Saturday in Boston.
4. Mr. Dunham gave an update on the infrastructure stimulus package offered by the Federal government for cities and towns. Municipalities can submit projects which have formal designs in place or already permitted to go forward. Mr. Paul Tilton and D. Lapp and J. Timmons were thanked for their assistance with the submissions. The Town is submitting 3 projects: 1) Quaker Meetinghouse Road sidewalk project; 2) improvements to the Town Hall entrance area. The architect is working on improvements to make it more pedestrian friendly and to slow down traffic particularly by the bubbler and to make the bubbler handicap accessible and fix retaining wall; and 3) the Senior Center.

CORRESPONDENCE/STATEMENTS/ANNOUNCEMENTS

1. None.

OLD BUSINESS

Mr. Dunham explained he has to leave early this evening, so several items under Old Business were moved up on the Agenda.

- Special Town Meeting and warrant articles. Mr. Dunham reviewed the draft list of warrant articles. The Board agreed to wait until next week to set date.
- The Board is trying to schedule a Long Range planning session. Mr. Dunham can do either Saturday or Sunday the weekends of February 7 or February 21.
- Mr. Kennan explained that Ms. Grundman had a death in her family so she had to fly to Kansas. The Board extended their sympathy and condolences.

PUBLIC FORUM

- Carl Johansen asked several questions on the budget and Mr. Dunham responded.
- Paul Schrader and Mr. Hunt have pretty much completed the video about town beach. The movie premier is February 4 between 6 – 8 at the Sandwich Glass Museum. The video is for anyone interest in Town Neck Beach – the barrier beach separating the ocean and marshes and downtown Sandwich. Please RSVP to Mr. Schrader or Mr. Hunt. Admission is free. This issue is very important and could be an expensive proposition for the Town which may need to be addressed at some point in the budget.
- Mr. Frank Antonelli of 11 Bourne Avenue was present to complain about a connex box and items all over his neighbors' yard at 14 Bourne Ave. He was also concerned about the number of renters that reside at 15 Bourne Ave. Mr. Dunham said unfortunately for the neighbors in regards to 14 Bourne Ave., the Board of Health can only step in if it's a public health issue. He does not think much can be done. Mr. Dunham said the Board of Health and Building Department would be the correct departments to deal with both of these issues. Bud will check with Building Department to see if a connex box is allowed without a permit.
- Chuck Kleecamp spoke about Mirant issues.

PUBLIC HEARING

7:30 P.M. HOLLY RIDGE – EXTENSION OF LICENSED PREMISES

Mr. Dunham explained that a new Massachusetts law has been adopted that allows golf courses to sell alcohol on the course, with the Selectmen's approval.

Mr. Pannorfi moved to open the hearing. Mr. Hunt seconded. Unanimous.

Mr. William George, President and General Manager of Holly Ridge, was present to request permission to extend the licensed premises to include the grounds of the golf course. Mr. George explained the new law went into affect on November 7. Holly Ridge plans to sell the alcohol from a mobile cart which will be monitored and policed as is the regular license for the clubhouse.

No public comment.

Mr. Pannorfi moved to close the hearing. Mr. Hunt seconded. Unanimous.
Mr. Pannorfi moved to approve the application of Middleton Golf Course, Inc. d/b/a Holly Ridge, William George, Manager, to extend the license premises to include the grounds of the golf course. Mr. Hunt seconded. Unanimous.

UPDATE ON LOCAL COMPREHENSIVE PLAN

Greg Smith, Director of Planning and Development, gave a brief update on the Local Comprehensive Plan. The Plan now has to be approved at Town Meeting then go back to the full Commission for a final vote. Mr. Hunt stated that the completion of the LCP was in part thanks to Chris Bailey for securing a \$150,000 grant through Sen. Murray's Office, with the help of MOTT and the Chamber of Commerce. A lot of effort was also made by the EDC.

DISCIPLINARY HEARING – ALLEGED SALE TO INTOXICATED PERSONS CHINA PALACE, JOE WAIT CHOW LEUNG, MANAGER

Town Counsel Richard Bowen was present to conduct the disciplinary hearings scheduled for China Palace Restaurant and Booster Bar & Grill.

Attorney Bowen read the China Palace disciplinary hearing notice into the record. Attorney Bowen: Counsel Wall and I have discussed these allegations, and subject to the Board's approval, he and I have reached a preliminary understanding as to the disposition of this matter. With respect to the dates of violations, Atty. Wall will correct me if I stray. As to November 3, November 5 and November 28 of 2008, the establishment will admit to sufficient facts as to charges 1, 2, 3 as identified in the notice, the violation of our rules and regulations and in violation of the Mass. Code of Regulations. Under your policies the minimum penalty for a first time violation would be a suspension of at least two full business days. In terms of sentencing were Attorney Walls' client were to offer that plea and were the Board to accept, you would treat the three dates and the three charges as a first violation. The reason for that is that each violation, if proven, the discipline that results from this violation is meant to be educational in nature but when you have a group of violations that occur in a relatively brief time period you do not typically have the opportunity to hear them, impose a penalty, give the license holder an chance to learn from its mistakes. And so for those reasons, courts will typically review something like this and treat as a first offense. My recommendation to the Board is as follows; that if Attorney Wall offers that plea, that the Board vote to accept it on the condition that this be treated as a first offense with a penalty of two days and you may set the days. And that in return for the plea and the sentence that the license holder waive any rights of appeal to the ABCC or otherwise.

Brother Council you may have something to add to that.

Attorney Wall: We agree with everything that Town Counsel has said so far as to the accuracy of our conversation and our proposal is to resolve this matter. I would just like add to what Town Counsel said regarding the nature of how the offenses were all contained into one notice. Mr. Leung has been in business at China Palace for two years

now. He owns the business with a partner who is in the second row. And they have not had a problem until now and, until they received the notice, they didn't actually know that there had been these incidents involving the police and individuals with alcohol. They have come to see there is an issue and they want to reform their practices and become good citizens of the Town and a good business so they would like to make this proposal to the Board. They would like to have the two day suspension, not like to, but they recognize they have to have a consequence for what has happened, they think a two day suspension is reasonable and then we would like to go forward as a good citizen of the Town.

Attorney Bowen: Mr. Chair and members of the Board is that your discretion?

Mr. Hunt: What about October 11? There are four dates and we said that they have stipulated to three of the date so what is the rest of the story.

Attorney: What is the deal on October 11? In reviewing the report, it became apparent to me, yes, there we had a person involved operating under the influence, yes, they were involved in a low speed chance resisting arrest and in conducting himself as a menace to the safety to anyone on our roads. But to prove the allegations lodged against the establishment we have to meet certain elements of proof and those specifically are 1) service of alcohol; 2) by the establishment; 3) to a person the establishment knew or should have known was intoxicated. As persons of common sense we can make inferences of what happened but the ABCC, in a case such as the one, we had to deal with on October 11 would not allow us to sustain the inferences unless we had some testimony that actually placed this drunk driver inside the establishment and that we do not have. So it is as simple as that. The license holder is willing to admit to sufficient facts to the cases which he believes and I believe we could reasonably prove.

Mr. Pannorfi: Yes I have the same questions and I have another question. How are we going to be assured that this is not going to happen again in the future? I have heard we would be doing things to do better but can you elaborate in more specific terms.

Attorney Wall: My client is the manager, he is a very hard worker. He tends the bar 7 days a week unless he is sick or on vacation. He is will to go to a Serve safe program to learn more about recognizing when someone has had too much to drink and how to shut them off and that could be part of the plea we are offering tonight. It could be a condition of the consequences.

Mr. Pannorfi: As I recall when we issued the license we ask the question of the TIPS training and at the time we were assured that was done. So this is a program that augments or supplements the TIPS training for the purpose.

BW: I believe so it is listed as one of the program sin your policies and procedures and listed in the same lines as the TIPS program so I think it is a similar program and it has been two years since Mr. Leung secured the transfer of the license by this Board so maybe a little refresher would be a good thing.

JK: This is very serious. The learning curve should not be exercised in perpetuity. You need to understand what is happening there. If you are there as much as you say you are, you need to set an example. Thank you.

Mr. Pannorfi: Mr. Bowne you have consulted with the Police Dept. on specifically the October 11 incident.

Attorney Bowen: Yes sir I reviewed it with the police department. I guess the way to put it when an officer goes out to investigate a road hazard or a traffic accident the officers

primary responsibility is to get that drunk driver off the road so that nobody gets killed. We all know that and the officers faithfully carried out that duty. It is my understanding that the person involved has plead guilty and that justice is being administered to that person. So we have discussed this with Sgt. Cotter , Sgt. O'Connell and the other officers involved I know we cannot put them in the position of asking them, I guess you can but I can't , of asking for their concurrence or approval I believe the gentlemen I have spoken with understand my position on this.

Mr. Pannorfi: I know the point you are trying to make. It becomes one of these situations constantly and we have done a number of these in the last couple of years where the police are doing their duty, they file their reports, things are said in this report then there is a denial by the defendant. Quite honestly it seems as if at least to me because we get this kind of feedback on occasion the police say you do not believe us. That is not the case at all. I would prefer in this particular situation to really listen to your comments relative to the law whether they could have prosecuted or made the argument that this individual had the drinks at this particular establishment and we can truly prove that because if we could then I would say, that we should do something about the October 11 incident as well.

Attorney Bowen: The bad thing is you ask me what I think I'll tell you ,I do not think we could have proven the first one, the October 11 one, because the location is in a plaza, there is a liquor store there and, in the world of possibilities, it s just as possible without impugning the other establishment, that this individual could have come from there , it is possible that this individual showed up at the door and was turned away. With all those possibilities I do not think I can prove a probability that he was served there and I could in good conscience recommend to you that you find that he was guilty on that one. As a pragmatic matter, this is why people hate lawyers, even if I could prove October 11, in terms of your sentencing guidelines it would not make a difference to your end results.

Mr. Hunt: If I recall correctly they are stipulating to the facts that we have on table in front of us are we therefore Rich have a vote on finding then a sentencing? Then we will do that.

Mr. Hunt: Is there anything the attorney would like to add?

Attorney Wall: Clarification of that point - Are you going to go thru the reports and make finding on each of those. The way I contemplated on that simply is the Board accepted the license holder's admission to sufficient facts.

Mr. Hunt: That is my plan.

Mr. Hunt: I move that the BOS agrees to the stipulation of facts as presented and that we find the defendant guilty of violating the three rules that are specified in this hand-delivered document dated January 7, 2009. Mr. Pannorfi seconded.

Unanimous

The second we have to talk about the sentencing.

Mr. Hunt moved that we agree to the two days that are requested to be served on January 30 and 31st. (side bar: My understanding with this stipulation you are not going to be challenging this ruling?)

Attorney Wall: That is 100 percent correct, however, Attorney Bowen and I did not agree on any specific days. So I would ask the Board for its indulgence, the busiest days of the restaurant are Friday and Saturday and you picked both of the busiest days and

given we are offering the admission, we would ask for some mercy in exchange and possibly have one mid day and one weekend day.

Attorney Bowen: We did have a brief discussion about the days that would be served and I fairly represented that it would be wholly within the discretion of the Board. I am not a policy maker and I do not pretend to step into your heavy shores. I did express to the license holders counsel that one of the days would have to be an “ouch” day being either a Friday or a Saturday and I guess I am stepping into policy, I think that is very important. That is as far as I went into discussing days but again all subject to your approval.

Mr. Pannorfi: I recall a couple of years ago when we tried to be nice guys we got our hands slapped by ABCC. We had suggested a two day penalty when our own rules said three, trying to be reasonable I know that this would not go to the ABCC but as it turned out when it was on appeal, the defendant appealed it, the ABCC came back and slapped out hands and ruled in favor of an 8 days penalty. My own opinion is we should have some latitude in selecting as a matter of policy. I would agree with Randy’s recommendation, it should have a little ouch in it. And if the 30th is a Friday and Saturday I would support that Randy.

Mr. Wall: The whole purpose of the proposal is to reach reasonable agreement to try to be a better citizen but having said all of that I would like to make a point that admission of facts is exactly that it is a stipulation in exchange for the treatment that we are asking for back. Kind of a quid pro quo. If it did go to a hearing, Mr. Leung would challenge a number of the allegations. He is making the admission to try to resolve the problem and move forward. He does not necessarily agree to all of the facts in all of the reports and would challenge them if it went to a hearing. So bearing that in mind, that is why we are asking for some latitude in having one weekend and one weekday. It is the Board’s discretion you have all of the latitude in the world to make up your mind but that is what we are asking for under this agreement we are trying to reach.

Mr. Hunt: Is the restaurant open 7 days a week?

Attorney Wall: yes it is.

Mr. Hunt: If I could keep floor for a second more. Talking about this ServSafe program, I have a couple of questions. Mr. Leung: your there most of the time tending the bar. Is there someone else who is a primary server at the restaurant at the bar and before you answer that would you be willing to have both of you attend the ServSafe course. And then I don’t know the answer if anyone knows this answer to this but if there is a language barrier regarding this is this ServSafe course actually given in the language that would be more, I am sure you speak Chinese.

Attorney Wall: he does speak Chinese, he is an American citizen he is a graduate of Malden High school and he is a veteran of the marine corp.

Mr. Hunt: and the second person who serves there to?

Attorney Wall: I do not want to represent a fact, I can check.

Mr. Hunt: I want to make sure the people who go get the benefit of this.

Mr. Leung: Yes I can put the bartender in the ServSafe program.

Mr. Hunt: In that case I would propose that we do two consecutive days but that we also require that two people attend ServSafe class. Are you okay with that frank?

Mr. Pannorfi: My point is how do we send a message here. Quite honestly I am tired of a lot of the businesses that serve or sell having to come to these things. Because when I read these reports like the first one on the 11th of October and that character driving

around town , and police chasing him all over town and through two towns and have to spray him with pepper spray to subdue him and you can believe what you want on where he received his alcohol and all. I can believe what I want and I believe he received the alcohol at the restaurant. I cannot prove it, but I do have discretion in what I believe should be the penalty. I think it should be a more substantial penalty, I honestly believe that.

Mr. Hunt: I will move and modify it somewhat because it is the first infraction of this liquor license manager. **I move to post as is customary the shutdown of the business for two days the 31st of this month and the 1st of February which would be consecutive Saturday and Sunday and we require that two of the employees at the restaurant who serve attend the ServSafe class.**

Mr. Pannorfi: close down the entire business or just the bar?

Mr. Pannorfi: Mr. Hunt's motion would turn down everything.

Mr. Hunt: the customary way is they turn in their liquor license to the police department and they keep that liquor license for 48 hours then return it to the business, that is what I mean by customary. They can certainly have the resultant portion open but they cannot serve alcohol on Saturday and Sunday.

Mr. Pannorfi: I would agree to that. **Second.**

No other discussion: All those in favor: **Unanimous.**

Disciplinary Hearing – alleged After Hours Sales of Alcohol Booster Bar & Grill – Stefan Celata, Manager

Attorney Rich Bowen read the hearing notice. Mr. Bowen swore in all those testifying. Attorney Bowen stated that on November 22, 2008, after proper closing hours at 2:15 a.m., the Sandwich Police Department saw persons inside the establishment. Upon entering observation was verified The Officers found staff with open containers of alcohol. We believe evidence provided by officers will substantiate charges.

Owner Stefanie Celata: extremely sorry for this situation and I was not on property at time of violation. In reading police report, I concur and I am not arguing it whatsoever. Unfortunately, I put my trust in a manager that was on my staff that was responsible for my business and for my liquor license. When I hired her I felt as though she should have come with knowledge that would be expected of someone with her experience level and should have known better to be out of building. Great disappointment I put trust in the person who took advantage of me, my business, my license which is why I am here right now. She has since been terminated. In going forward, myself and or my business partner will be on the property. Both are Servesafe and TIPS trained. We do this to ensure that all of these regulations and rules of the CV license are abided by. It has been the goal since opening Booster Bar & Grill to make it a family restaurant and be a part of the community and abolish the reputation of the building which she went into. So this greatly disappoints me and I humbled to be here.

Mr. Kennan: thank you for that and you are in essence admitting to the facts , you said that yourself.

Ms. Celata: Yes

Mr. Kennan: At this point we should let Counsel interject.

Attorney Bowen: what I would suggest – you have in essence admitted to sufficient facts. If that is the posture that you want to put forward to the Board, you could just admit to sufficient facts and the Board could vote that admission without putting witnesses on and going through the proceedings. We can go whatever way you want, I am not foreclosing any options.

Ms. Celata: I admit to sufficient facts to the report. It has been admitted.

Attorney Bowen: Mr. Chairman, the Board could vote on a motion to accept that and go directly to the sentencing question as to what the appropriate penalty will be.

Mr. Pannorfi: Can we talk about this one before we start making motions. This is a little different from the previous one, This one deals with employees drinking after closing hours which is illegal under rule 7 of our own rules. My question is: Kathy are the rules given to all licenses. Ms. Coggeshall replied, we send them out and we just sent them out again, and we hold several seminars over time. I believe that she should have received it at the time the license was issued.

Mr. Pannorfi: My question is do you know whether you had received this listing of rules and regulations basically outlining what you can and cannot do.

Ms. Celata: I just got them in the mail this week, to be honest. I cannot tell you for exactly sure if I received it with the original packet.

Mr. Pannorfi: You do not know if you had reviewed this yourself or with your employees.

Ms. Celata: This particular piece of paper, no I do not recall.

Mr. Pannorfi: I guess that is kind of disturbing particularly since you thought you were hiring someone who had the experience.

Ms. Celata: She was working at a corporate restaurant in Boston, a well-know corporate restaurant and I had extreme faith. May I also state that I had entrusted her to communicate with my staff members that were on that evening to tell them to get out of the building so she could run her reports or what not. Clearly that was not happening that evening.

Mr. Pannorfi: Clearly this was the only time this was happening, this has not been a practice.

Ms. Celata: Not that I'm aware of.

Mr. Pannorfi: I would like to hear from our own police, quite honestly as to what they historically observed or maybe have an opinion on this .

Mr. Hunt: Could I ask one question. To be more clear, I wanted to ask if you were aware of the last call being at 12:45 and drinks off the table at 1:15 and everybody out by 1:30 a.m.

Ms. Celata: Correct

Mr. Hunt: Thank you.

Mr. Kennan: Would it be appropriate:

Attorney Bowen: Absolutely .

Officer Wood: Good Evening. My name is Mike Wood and I am a police officer in the Town of Sandwich. You want to hear about this incident. This particular night on November 22, I was in an unmarked Sandwich police cruiser it's a GMC envoy assigned to the Forestdale area. I observed some activity, I contacted my Sgt. and I was asked to enter the establishment to see what was going on. And the facts are before you. I too

believe this is an isolated incident. The young lady who was working was 23 years old she didn't have "a clue" and these were basically two employees sitting at the bar while the two girls cleaned up. I have had no problems with this establishment and I believe my coworkers would agree.

Mr. Pannorfi: That was going to be my next question Officer Wood, thank you.

No other questions.

Mr. Kennan: So apparently there was a lapse in judgment as to the professionalism of the management you once had there.

Ms. Celata: That has since been corrected.

Mr. Kennan: Could you tell us about - I hate to assume anything but you are implying there is another manager?

Ms. Celata: No. Me. I am on property myself or my partner.

Mr. Kennan: So you understand what we are discussing here. That you need to educate all the individuals that work for you.

Ms. Celata: Absolutely.

Mr. Kennan: And make sure they understand that they can't deviate on the rules because it impacts your livelihood and you know that.

Ms. Celata: Yes

Mr. Pannorfi: I move that we accept the admission of guilt for the violation on the date of November 22, 2008 as noted in the January 7, 2009 disciplinary hearing notice. Mr. Hunt seconded. Unanimous.

Mr. Kennan: Now we go to sentencing.

Attorney Bowen: members of the Board, again, under your sentencing guidelines, Board of Selectmen Policy for Liquor License Violations, provides when an establishment holding a Town of Sandwich liquor license is found violating Chap. 138 on a first offense the penalty shall be the suspension of the license for at least two full business days.

Mr. Hunt: These situations are different there is no question.

Mr. Pannorfi: They are that is why I wanted to separate them.

Mr. Hunt: Trying to determine whether you are serving someone who is intoxicated is certainly a judgment call and maybe you could say serving employees after hours is a judgment call but it certainly is a bright line as compared to the safe serve issue.

However, you have taken an action and that certainly helps out. And I would be inclined to hand down the same penalty as we had handed down for the prior case, which was two days which is our stipulated minimum but the reason those dates were chosen because they elected to waive their right of appeal which I think is 10 days or two weeks.

Attorney Bowen: It is 5 days from receipt of written notice of the disciplinary action.

Mr. Hunt: We usually use 10 days just to make sure we do all of that. So I would ask if you would be amenable to doing the same so that we can get it over and behind us. But you are certainly under no obligation to waive any legal rights that you have as a result of this hearing.

Ms. Celata: I would say I would agree that I am not going to appeal.

Mr. Hunt: Then I would move that you surrender the liquor license for two consecutive days on January 31 and February 1 for the sentence as a result of our vote to find you guilty as the liquor license holder on these charges. Mr. Pannorfi seconded.

Ms. Celata: Based on the fact that these two situations are quite different. I understand I will have to lose my license two day based on the fact that this is my first infraction . I have taken great efforts to fix the situation, I ask the Board if they would consider less painful days in this economy for this particular infraction. If they would consider a Thursday/Friday.

Mr. Hunt: That is a fair question. My point that this is different is that this is a clear violation that I can see potentially being more lenient that serving someone who might be intoxicated because it is a difficult judgment call so that leads me to say this was clearly wrong in spite of the fact that Officer Wood testified that the lady “had no clue” she must have been aware that this was not a legal thing to do. That would be my opinion. I would not propose to amend my motion.

Mr. Kennan: I would suggest perhaps close on Wed./Thursday . I am trying to word this so you understand your rights to appeal.

Attorney Bowen: The point that the chairman was moving towards that was. That is questioned – are you intending to appeal any action that the Board might be taking here? Voice from audience adviser her not to waive right to appeal.

Ms. Celata: I do not want to waive my right to appeal.

Mr. Bowen: Fair enough.

Mr. Pannorfi: We have a motion and a second.

Mr. Hunt: You have changed your stance.

Ms. Celata: Yes

Mr. Hunt: That’s okay you can do that we have not voted yet. But in order to make sure that we have time to deal with this, she has to file, let’s say we deliver all the information to you by tomorrow then five days is still in plenty of time to hold these same dates as the penalty although we do not like to squeeze it that much usually. I found it interesting that the prior case pushed to move one of the days onto Superbowl Sunday as opposed to a Friday/Saturday which I thought was being nice about things, but you get what you get. In this case, I am not going to change my motion. If you chose to appeal you can certainly do that. You have to weight things. I wouldn’t recommend appealing without having an attorney but I guess you can do that too.

Mr. Pannorfi: That seems to be a hazard sometimes.

Mr. Kennan: We have a motion and a second on the floor:

Unanimous.

Mr. Lapp gave a history of the cable television license renewal process. This evening SACAT is giving their report to include as part of the ascertainment process. Mr. Lapp explained in order to wrap up ascertainment process a report has to be produced andtwo key items that the Board needs to reach general consensus on is the level of funding the Town will be seeking from the cable operator, which is a percentage of gross revenue, as well as what fixed dollar amount the town will be seeking for capital items for the local access provider. Currently now 3% of gross revenue goes towards operating SACAT. In the draft ascertainment hearing report the amount was increased to 5% and \$300,000 capital. At the end of this month, the Board will be provided with a final draft of RFP and draft license for Board to review. Then the RFP will go out and negotiations will commence. Mr. Pannorfi asked if the UMass survey asked if people are willing to pay more for these additions and wants feedback from the residents on these increases.

Mr. Lapp said people felt they were paying too much overall. However, the Board has no control over the costs. Mr. Hunt said it was asked at one of the meetings before if people had an aversion to paying additional on their cable bill. In the survey the majority did say they would like additional coverage of local government meeting, the difference is this % is only levied on cable TV bill. If a household has a \$100 of cable TV the increase to 5% difference on a monthly bill will be \$2.20, currently. It is currently 3.3% as a “pass thru”. Renee Douglas, recording secretary for SACAT, reviewed some of things they would like to do with future funding. The priority it start to build up reserves again. Other things include like having full-time office manager; hiring education coordinator to assist with the High School studio. Down the line would like a training coordinator and a facility assistant. Capital funding of \$300,000 over 10 years would help upgrade equipment and keep the facility up with changing technology. Mr. Hunt gave a history of the funding of SACAT beginning with the original cable operator Harron what the funds have been used for. The board asked for public input. The RFP has to go out so the Board agreed to put the 5% and \$300,000capital. Whether it ends up that way in final contract remains to be seen.

NEW BUSINESS

- **Mr. Pannorfi moved to appoint William Daley to the Sandwich Historic Commission to fill the unexpired term of Holly Amans-Kaiser. Mr. Hunt seconded. Unanimous.**
- Mr. Pannorfi would like to put on new week’s agenda a general discussion on the structural deficit before sending the document to the Finance Committee.
- **Mr. Pannorfi moved the seasonal population estimate for seasonal package goods store licenses at 33,000 – 23,000 annual with 10,000 visitors. Mr. Hunt seconded. Unanimous.**
- The Board greed to put off scheduled the Special Town Meeting to next week’s Board meeting when all five members are present as well as a full discussion on Mirant issues.

PUBLIC FORUM

- Carl Johansen disagreed with the penalty imposed by the Board on Booster Bar & Grill and asked the Board to reconsider.
- Mr. Kleekamp discussed the future of Mirant and potential impacts on the Town.

ADJOURNMENT

9:40 p.m. **Mr. Pannorfi moved to adjourn. Mr. Hunt seconded. Unanimous.**

Respectfully submitted,

Kathleen Coggeshall

