

MINUTES BOARD OF SELECTMEN FEBRUARY 12, 2009

Present: Linell Grundman, John Kennan, Frank Pannorfi, Randal Hunt, Dana Barrette
George Dunham, Douglas Lapp, SACAT, Cape Cod Times, Representative Jeff Perry,
Chuck Kleekamp, Dr. Anna Manatis, Paige Kane, Carl Johansen

Meeting was called to order at 7:00 p.m. at the Human Services Building, Quaker Meetinghouse Road, Sandwich.

PLEDGE OF ALLEGIANCE

REVIEW AND APPROVAL OF MINUTES

- **Mr. Kennan moved the minutes of January 29, 2009. Mr. Pannorfi seconded. Unanimous.**
- **Mr. Kennan moved the minutes of February 5, 2009. Mr. Pannorfi seconded. Unanimous.**

TOWN MANAGER'S REPORT

1. Mr. Dunham presented the draft budget to the Finance Committee on Tuesday evening. The Committee's next meeting is February 17, 7:00 p.m. in the Library.
2. Last night the Architect for the Town Hall project met informally with the Historic District Committee to get feedback from them prior to submitting a full application.
3. This morning, Mr. Dunham met with the Army Corps regarding the marina expansion. The Army Corps still does not have answers that the Town has been asking for 5 years. The study money, which with the Corps paying the first \$100,000 and the Town paying 50% of the remainder, is nearly gone, including the Town's \$80,000 share. Mr. Dunham asked what it would cost wise to complete the study. Mr. Dunham also noted that the delineation of wetlands done by the Army Corps was quite a bit different than the one the Town had done in 1995, which was approved by the Conservation Commission. If permitted, to get a definitive answer on the wetlands issue would take a lot of money. Mr. Dunham hopes to have answers back from the Corp within a month.
4. The applicant for the Conservation Committee, Wendy Kiedeisch, has rescheduled to next week.

5. Mr. Dunham explained that the Town Hall project comes from Community Preservation Act (CPA) funds which are a 3% surcharge on taxes. The CPA money does not impact the Town's operational budget. Mr. Barrette said before breaking ground on the renovations, he would like to hear a report on the project and see that the budget stays on track. Mr. Dunham will ask the Architect to come in. Ms. Grundman said the CPC generally holds their annual hearing in March. The two big projects before the CPC is the Housing Authority housing and Town Hall renovations.

CORRESPONDENCE/STATEMENTS/ANNOUNCEMENTS

- Ms. Grundman announced the Assembly will begin holding budget review meetings starting on February 25, 2009. The public hearing on the FY2010 proposed budget is April 1, at 2:00 p.m. On April 15, the Assembly of Delegates will vote the proposed budget at its regular meeting at 4:00 p.m.
- On the Mass.gov website there is a new link to the Recovery and Reinvestment programs which includes tracking and details on state contracts, as well as the stimulus program.

PUBLIC FORUM

Chuck Kleekamp and Dr. Manatis spoke about Mirant issues. Dr. Manatis said Cape Clean Air will hold a public forum on Mirant on March 4, 7:00 – 8:30 p.m. at Cape Heritage.

STATE REPRESENTATIVE JEFF PERRY

Representative Perry was in to give an update on the FY10 budget. He explained he has no idea when the legislature will begin the budget process. The legislature has been in "turmoil" and the committees have not even been named. Yesterday the Rules Debate vote failed. Normally when the Rules Debate is voted, a resolution that on a date certain, normally March 15, cities and towns would be given their local aid figures. He noted that the budget is \$180 million short after the Governor's cuts and \$100 million in deficiencies. He anticipates in 2010 about \$3.5 billion out of balance. He feels the Governor's budget will be "dead on arrival". Rep. Perry sees significant problems and assumptions. Mr. Pannorfi asked about the proposal to combine state departments. Mr. Perry said he sees reforming the transportation departments as needed and a "no brainer" and could save \$400 million. Rep. Perry said that the Governor has the statutory right to make further "9C" cuts. Mr. Dunham said according to the figures he's seen Chapter 70 will be level funded but there will be a 21% cut in discretionary aid. Rep. Perry also added that the Treasurer's warning to not take money out of the stabilization and remove earmarks and "pet projects" will affect the bond rating but that warning has not been heeded. The Board discussed the employee benefit plan. Mr. Hunt said the Town would like the same ability as the State to work with employee benefits since the Town has not flexibility. Mr. Dunham said the State can change co-pays and amend other smaller benefits but the Towns cannot. Mr. Hunt mentioned the new health insurance

policy through SBA and how expensive it is. Rep. Perry said the new health care plan has cost \$1 billion more for the State for the past two years and 600,000 people are on this subsidized plan. Rep. Perry said he supports Senator O'Leary's bill with respect to Mirant and looking at all the options. Rep. Perry also discussed the impact of the Federal Stimulus package. Rep. Perry is concerned about the tax increases in the Governor's package and the message it sends which could negatively affect restaurants and hotels and tourism to Massachusetts.

ZONING BOARD COMMITTEE

Director of Planning and Development Greg Smith has proposed a Zoning Bylaw Committee. The Committee would assist in both updating the exiting bylaws and incorporating new zoning and bylaws as reflected in the Local Comprehensive Plan, as well as other charges. Ms. Grundman asked if any of the proposed members would be perceived as having conflicts of interest. The other Board members did not feel this would be the case since they would be advisory. Mr. Hunt said if this is to be a standing committee there needs to be a charge of duties which includes the membership-how many members, terms, and where to draw members from. In order to allow the committee to begin work the Board agreed to make the committee ad-hoc until the charge is complete. **Mr. Pannorfi moved to establish the Zoning By-law Committee with Jim Killion of the ZBA, Rich Claytor of the Planning Board, and attorneys Jonathan Fitch and Benjamin Losordo as an adhoc committee for 60 days. Mr. Kennan seconded. Unanimous.**

OLD BUINSESS

1. The Board discussed Senator O'Leary's Cape Cod Electricity Reliability Bill. **Mr. Pannorfi moved that the Board of Selectmen send a letter of support for this senate bill and encourage it to be passed. Mr. Kennan seconded. Unanimous.**
2. A meeting with the State Legislature and Mirant is February 25. Mr. Pannorfi noted the Booster hearing at the ABCC is that same day. Mr. Hunt asked Ms. Kane and Mr. Kleekamp about the charges that would be borne by the ratepayers. Mr. Kleekamp also stated that Cape Clean Air supports Senator O'Leary's bill.
3. Mr. Dunham gave a brief budget update. Mr. Dunham and the Board must present the budget to the Finance Committee by March 1. Mr. Dunham suggested reappropriating the \$710,000 using \$210,000 towards the snow and ice deficit. **Mr. Pannorfi moved that the Board of Selectmen place an article on the 2009 Town Meeting warrant to reappropriate the \$710,000. Mr. Kennan seconded.** Mr. Hunt said a vote is not necessary now. Bud can be directed to reappropriate it on the budget sheets. **Motion 1 ayes to 4 opposed..** Mr. Dunham said on the State Assessment he wants to go back to his original estimates and not put in the Governor's number. The Board agreed to go with worse case scenario. The Board discussed a 2 vs. 3% budget. Mr. Barrette would like to hear the School Committee's proposal before making a decision.

4. The Board reviewed the Core Services list; and, in addition to how much they cost, Mr. Barrette suggested a column including the revenue from each. The Board discussed how to proceed with the goals. Mr. Dunham focus now is on the budget and formatting goals to top 8 and flush out the descriptions of each.
5. Cable Counsel has recommended the Board vote to begin the renewal process to solicit interest from other cable providers as well as the current one. **Mr. Kennan moved pursuant to 207CMR 3.02 (1)(a), the Board of Selectmen, statutory issuing Authority for the Town of Sandwich, hereby votes to initiate the cable television licensing process in Sandwich, this 12th day of February, 2009. Mr. Pannorfi seconded. Unanimous.**

NEW BUSINESS

- Mr. Dunham presented to the Board a breakdown of police and fire overtime and an explanation of the overtime usage. Mr. Pannorfi said it's too bad the study was never done and suggests revisiting the issue.
- The Board reviewed a list of potential questions to ask the applicants for the available beer and wine license. The Board requested that the questions be sent to the applications prior to the hearing on April 16.

PUBLIC FORUM

None

ADJOURNMENT

10:15 p.m. **Mr. Kennan moved to go into Executive Session for the purpose of discussing Disposition of Real Property and coming out for the purpose of adjournment only. Mr. Pannorfi seconded. Unanimous.**

Respectfully submitted,

Kathleen Coggeshall