

**MINUTES BOARD OF SELECTMEN APRIL 16, 2009**  
**7:00 p.m. Human Services Building, Quaker Meetinghouse Road**

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

George Dunham, SACAT, Upper Cape Codder, Sgt. Joe Cotter, Marilyn Bassette, Christine Lawrence, Jason Viveiros, Steven Cox, Michael Johnston, Attorney Alan Trebat, Muhammad Asif Abid, Cindy Russell, Shawn Murray and Kate Bavelock, Richard Augustine, Bill Carig, and Carl Johnansen

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**PLEDGE OF ALLEGIANCE**

**REVIEW AND APPROVAL OF MINUTES**

**Mr. Kennan moved the minutes of April 9, 2009 as presented. Mr. Barrette seconded. Mr. Hunt abstained. Motion passes 4 ayes to 1 abstention.**

**TOWN MANAGER'S REPORT**

1. Finance Committee meets Tuesday, April 21 at the Library and Selectmen meet Thursday, April 23. Next week, the state will be in to the Selectmen's meeting to discuss Performance Contracting. Mr. Tetreault and Mr. Hamilton will be invited.
2. Mr. Dunham acknowledged the DPW for their work disposing old files from the upstairs of Town Hall. Last weekend prisoners from Barnstable County helped move all the files, to be put into storage, from the upstairs of Town Hall to the Wing School. The School Department was thanked for giving space to store the records.
3. China Palace submitted certificates of completion for the ServeSafe program which they were required to do as part of their liquor license violation penalty.
4. On Tuesday, general bids were opened for the Town Hall renovations. Nine bids were received. The apparent low bidder is Builder Systems Inc. who has had an office in the Sandwich Industrial Park for the past 10 years.
5. The District Attorney's Office, in response to a complaint filed, found that the Town did not violate the Open Meeting Law when it held an executive session recently with Mirant. The Town, prior to the meeting, had checked with both counsels and were assured it was executive session material and the DA's office confirmed it.

**CORRESPONDENCE/STATEMENTS/ANNOUNCEMENTS**

1. Mr. Pannorfi announced the Town Hall Open House will be Saturday, April 25 and Saturday, May 2, 9:00 a.m. – 12:00 Noon.
2. The preparation meeting for Town Meeting with the Moderator and Town Counsel is scheduled for Friday, May 1 at 16 Jan Sebastian Way. The draft motions will be available.
3. Ms. Grundman said the Cape Cod Rowing Club is holding a regatta in John's Pond in Mashpee on May 3 and the public is invited. She also noted the women's rowing club will be competing in South Africa.
4. Ms. Grundman announced that Cinderella, sponsored by POPS, will be performed the first weekend in May. This is the first grades 5-8 musical.

### **PUBLIC FORUM**

Sgt. Joseph Cotter speaking on behalf of the Superior Officers' Union, Patrolmen's Union, Clerical Union, DPW Union and Dispatchers Union, advised the Board that all six municipal unions have voted to not take a pay increase for FY' 10 . Marilyn Bassette representing the Clerical Union, Christine Lawrence representing Dispatchers Union and Jason Viveiros representing the Fire Union were also present. The other unions are represented by Mike Hoadley – Patrolmen's Union and Bill Hawkins-DPW Union. Sgt. Cotter stated he hoped other non-municipal unions will follow suit.

### **OLD BUSINESS**

1. **Mr. Kennan moved to declare May 1 as Silver Star Banner Day to honor ill or wounded war heroes. Mr. Barrette seconded. Unanimous.**
2. Ms. Grundman announced that the Sandwich Cultural Council is in need of members. Without the required number of members, the council is in jeopardy of losing its state grant funding. Letters of interest should be sent to Town Hall by May 8.

### **7:30 p.m. PUBLIC HEARING – Liquor license application for Annual Wine and Malt Package Goods Store**

Ms. Grundman read the hearing notice. **Mr. Pannorfi moved to open the hearing. Mr. Barrette seconded. Unanimous.**

As background, Town Meeting approved adding an additional all alcoholic package goods store to the Town's quota. Once approved by the State, Merchant's Square Liquors was awarded the license, thereby relinquishing their annual wine and malt license.

This evening two businesses that currently hold seasonal licenses have applied for the annual; The Brown Jug, 1 Jarves Street and Sandwich Food Mart, 298 Route 130. Steven Cox and Michael Johnston were present representing The Brown Jug and Attorney Alan Trebat and Muhammad Asif Abid representing Sandwich Food Mart. Both parties were asked questions pertaining to their business and were given the

opportunity to express their interest in the license. Mr. Abid presented a petition signed by his clients in support of his application.

Public comment: several people spoke in favor of Mr. Abid's application.

The Brown Jug has held the seasonal license for three years and the Food Mart for six months.

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

After discussion, **Mr. Kennan moved to award the annual wine and malt package goods store license to The Brown Jug, Inc. d/b/a The Brown Jug, 1 Jarves Street, Michael Johnston Manager. Mr. Barrette seconded. Unanimous.**

### STAFF MEETING – EDC, Sign Code Bylaw

Cindy Russell, Shawn Murray and Kate Bavelock updated the Board on the progress of the EDC revising the Sign Code Bylaw. The committee is proposing a "sign code district" concept. The "districts" will reflect the character of the various areas. **Mr. Hunt moved to support the EDC's overlay sign district concept and have them report back as they make progress. Mr. Barrette seconded. Unanimous.**

### 2010 BUDGET HEARING

**Mr. Barrette moved to open the public hearing for the 2010 Town of Sandwich budget. Mr. Hunt seconded. Unanimous.**

Shawn Murray, Richard Augustine, Bill Carig, and Carl Johnansen spoke and Mr. Dunham responded to their budget questions. Mr. Dunham explained that members of the unions who are eligible will receive their step increases. He also stated that due to the Unions' decision, the budget figures will have a minor adjustment to reduce the budget and increase the set aside.

**9:10 p.m. Mr. Pannorfi moved to close the public hearing. Mr. Barrette seconded. Unanimous.**

Mr. Dunham recommends reducing the general government budget and transferred \$500,000 into the stabilization account. Mr. Pannorfi had hoped to use some of the money towards capital items. Mr. Dunham said if the Town is going to make it through 2011 without an override, they will have to go into stabilization. **Mr. Hunt moved to reduce the general government budget by \$80,000 and transfer \$500,000 into stabilization instead of \$350,000. Mr. Barrette seconded. Mr. Pannorfi opposed. Motion passes 4 ayes to 1 opposed.**

### OLD BUSINESS

- Mr. Dunham presented the final draft of the warrant. Two articles were deleted, one zoning article and the schools request for a revolving account. Mr. Dunham said the article regarding the charter is only to confirm Town Meeting's previous vote – not to review the charter again or make revisions. **Mr. Barrette moved to approve the Warrant for the May 4, 2009 Annual Town Meeting as presented with amendment to budget numbers as Bud mentioned previously. Mr. Hunt seconded. Unanimous.**

- Debra Dami, Town Clerk in Mashpee, will be in next week to accept the Board's appoint as the temporary Town Clerk for Election Day. She will be paid \$500 for her services.

### NEW BUSINESS

- The State declared the Town's shellfish beds open; however, the Town has not finalized the shellfish guidelines nor posted the area. **Mr. Barrette moved that the waters of Sandwich harbor basin be closed for shellfishing until further notice. Mr. Hunt seconded for discussion.** Mr. Hunt would like a specific date given. **Mr. Barrette amended the closure of the shellfish beds as outlined until October 1, 2009. Mr. Hunt seconded. Unanimous. Main Motion: Unanimous.**
- **Mr. Hunt moved to continue moratorium on harvesting, possession and sale of river herring in the Town of Sandwich through 2011. Mr. Pannorfi seconded. Unanimous.**
- Mr. Barrette stated the MMR agencies are trying to reduce the number of meetings. However, it was determined the Senior Management Board is still viable but will reduce their meetings to twice a year with special meetings as needed.
- Mr. Pannorfi put in a "plug" for the Sandwich Police Academy which he is attending.

### PUBLIC FORUM

Mr. Johansen and Mr. Carig spoke.

### CLOSING REMARKS

Mr. Barrette noted that the vote of the Board regarding the herring allows local enforcement of the state-wide prohibition recommended by the Mass. Marine Fisheries Advisory Commission.

### ADJOURNMENT

**Mr. Pannorfi moved to go into Executive Session for the purpose of discussing Collective Bargaining, Contract Negotiations and Disposition of Real Property and reconvening for the purpose of adjournment only. Mr. Barrette seconded. Mr. Pannorfi, Mr. Barrette, Mr. Hunt, Mr. Kennan, Ms. Grundman so moved. Unanimous.**

Respectfully submitted,

Kathleen Coggeshall

