

MINUTES

BOARD OF SELECTMEN MEETING

THURSDAY, JULY 22, 2010

HUMAN SERVICES BUILDING
270 QUAKER MEETINGHOUSE ROAD

Present: Dana Barrette, Linell Grundman, John Kennan, Jim Pierce and Ralph Vitacco

Also Present: George Dunham, Doug Lapp, Chief Peter Wack and members of his family, Taylor White, Lt. Lynne Gourley, Lt. David Guillemette, Det. Bruce Lawrence, Steven Unsworth, Ed Childs, Doreen Guild, Craig Mayen, E. Susan Flynn, Jan Timmons, Mike Twomey, Marie Buckner, Karen Miller, Jonathan Shaw, Mike Baker, Susan James, David Darling, Carl Johansen, Frank Pannorfi, Mary Ellen Johnson, Sherry Marshall and SCT.

Meeting called to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

**SWEARING IN CEREMONY FOR
CHIEF OF POLICE PETER N. WACK**

Mr. Dunham gave a brief overview of the Chief of Police selection process and noted that members of the Wack family were present for the ceremony along with Lt. Lynne Gourley, Lt. David Guillemette and Det. Bruce Lawrence and other members of the Sandwich Police Department. Town Clerk Taylor White swore in Peter N. Wack as Chief of Police.

APPROVAL OF MINUTES

***MOTION WAS MADE BY MS. GRUNDMAN TO APPROVE THE MINUTES OF JULY 8, 2010 AS PRESENTED. SECONDED BY MR. KENNAN.**

Discussion-

Mr. Pierce noted that during the discussion on the override of 2.2 million, a split with the general government and school department needs to be clarified and offered his comments.

VOTE – UNANIMOUS

MR. VITACCO ABSTAINING

TOWN MANAGER'S REPORT

-The Finance Committee is scheduled to meet on Tuesday, July 27th at 7 p.m. in the conference room at Town Hall (Oak Crest Cove) to reorganize and vote on reserve fund transfers. Mr. Dunham will be on vacation for this meeting, Town Accountant Doreen Guild will be covering for him.

-The Sandwich Economic Initiative Corporation will meet at 4 p.m. on Tuesday, July 27 at in the conference room at Town Hall (Oak Crest Cove).

-The Cape Cod Commission will hold a pro-forma hearing on the Forestdale Village project on Monday, July 26 at 10 a.m. at the Commission office.

- A public hearing and information session will be held on Monday, August 2 from 6:00 p.m. to 8:00 p.m. at the Town Office at 16 Jan Sebastian Drive on the J-1plume (on the Mass. Military Reservation). The public comment period will be held from July 19 through August 17.

CORRESPONDENCE/STATEMENT / ANNOUNCEMENTS / FOLLOW-UP

-Ms. Grundman attended a meeting last Wednesday morning for the Cape Cod Waste Water Collaborative. Gave an update.

-Mr. Kennan updated the Board on the Sandwich Economic Initiative Corporation. Town Planner Greg Smith and Dan Galliker CEO from Open Cape have spoken at recent meetings. Town Health Agent David Mason will speak on waste water management at next Tuesday's meeting, at 4 p.m. at the Town Hall (Oak Crest Cove). Tom Cahir from the Cape Cod Regional Transit Authority is scheduled to speak at the meeting after that.

Met with the Economic Development Committee last night. Town Building Inspector Paul Spiro and Assistant Town Building Inspector Pete Sherwin spoke on draft revision of the sign code.

-Mr. Vitacco – July 30 there will be a blood drive in the parking lot at the Cape Cod Cooperative Bank, 275 Cotuit Road from 9 a.m. to 2 p.m.

-Ms. Grundman – the Town Hall Re-dedication Task Force is trying to develop a core group of volunteers to monitor events. We would like a minimum of twenty volunteers that would be all trained the same.

-Mr. Barrette gave an update on the J1 plume decision that is up coming. The Environment Protection Agency is part of the process. The EPA is going to make its decision on the remedy. If anyone has any thoughts on the matter, the meeting on Monday, August 2 at the Town Offices, 16 Jan Sebastian Drive from 6 to 8 pm would be a good meeting to attend. They do want to hear from the community.

PUBLIC FORUM

Mr. David Darling of 25 Old County Road spoke about the State giving the town the option to raise more revenue by taxing food purchases at restaurants and the retail food services trade and asked the Board to revisit this issue.

Mr. Carl Johansen read a statement regarding the Natural Resources Department and licensed docks and piers and asked that it be recorded into the minutes of this meeting.

PUBLIC HEARING

PARKING FEES

It being 7:28 pm and a public hearing is advertised for 8:30 p.m., the Board moved ahead to Staff Meeting topics and will conduct the public hearing at the advertised time.

STAFF MEETING

Town Manager George Dunham, Town Account Doreen Guild and Director of Assessing Ed Childs presented Override Presentation #2: Revenues - Where the money comes from.

Department heads Craig Mayen, E. Susan Flynn, Jan Timmons, Mike Twomey, Marie Bucker and George Russell were also present.

The three largest departments are the Police and Fire Department and the School Department.

Twelve people have been meeting regularly on Tuesdays for a number of years working on the override presentation.

All information is online at www.sandwichmass.org

This presentation consisted of an overview of a sample tax bill; Net Debt Outside of Proposition 2 ½; Use of Excess Levy Capacity; Average Tax Bills vs. State Average; Sandwich vs. Cape Towns; Year Round Demand for Services / Sandwich vs. Cape Towns such as Bourne / South Yarmouth and Sandwich vs. South Shore Towns; Key Declining Revenue Sources; Changes in State Aid: Chapter 70; Changes in State Aid: Discretionary; Decline in Total Local Receipts; Decline in Local Receipts – Motor Vehicle Excise; Investment Earnings; New Growth; Economic Development Realities; Recent Stabilization Fund Activity.

Mr. Dunham noted, in conclusion, if you look at all the declines in income, it is pretty basic. The numbers are there. If there is any information the Board needs that we have not provided, please let us know.

At the August 5th Selectmen's meeting expenses will be discussed.

Mr. Pierce – last November the Town Manager gave the Board data to balance the budget...we needed to go down 1%. Right now it says 2%. I need an idea of what the floor is. What do we need to add to the floor to keep things running?

Mr. Dunham noted that there is a \$2.2 million deficit and explained the percentages and dollar amounts as they apply to the General Government, School Department and Upper Cape Cod Regional Technical School.

Mr. Barrette - is interested in the comparisons between towns and would be interested in some other types of metrics such as Police Department staffing, miles covered; the Department of Public Works, how many miles of roads covered.

Mr. Barrette suggested that, on the topic of investments, it would be good for the public to know more. Mr. Dunham mentioned that the Town is very restricted by the state where we can invest. Town Treasurer Craig Mayen gave a general over view of interest rates and investments noting that 9C cuts from the State directly effect when we can invest and how. Mr. Pierce suggested putting the investment policy on the Town's web site.

Short discussion on the use of the Stabilization Fund. It was noted that possible mid-year cuts in state aid and expenses that the Town has no control over have to be considered. Mr. Childs offered that there is a possibility of PILOT (Payment In Lieu of Taxes) program cuts.

Mr. Dunham noted that, on the topic of the Quinn Bill (Police Dept), 50% reimbursement program from the state is almost gone.

PUBLIC HEARING **PARKING FEES**

8:30 p.m.

Mr. Barrette read the public hearing notice.

***MOTION WAS MADE BY MS. GRUNDMAN TO GO INTO THE PUBLIC HEARING. SECONDED BY MR. KENNAN VOTE – UNANIMOUS**

Mr. Dunham gave an overview of the current and proposed parking fees as submitted by the Town Clerk. The Town Clerk's office collects the parking fees; however, it has been the process for some time with many towns on the Cape, the money actually goes through Plymouth County and then back to the Town. The Handicapped Parking fee is proposed to increase up to \$100.00 per State Law from \$25.00.

Mr. Carl Johansen confirmed that the parking fee for illegally parking in a Handicapped Parking space is being increased to \$100.00 and suggested that the be higher.

Mr. Vitacco noted that these are fines not fees. Fines are supposed to be a deterrent. This is not a revenue source...as some people may think.

Mr. Dunham noted that a 4 year average shows approximately \$29,000.00 was brought in from parking fees (fines).

These fines have not been increased for a very long time.

***MOTION WAS MADE BY MS. GRUNDMAN TO CLOSE THE PUBLIC HEARING. SECONDED BY MR. PIERCE. VOTE – UNANIMOUS**

***MOTION WAS MADE BY MS. GRUNDMAN TO AUTHORIZE THE INCREASE TO THE FINES AS LISTED, THAT HAVE BEEN SIGNED OFF BY THE POLICE CHIEF. SECONDED BY MR. KENNAN. VOTE – UNANIMOUS.**

STAFF MEETING **CONTINUED**

Mr. Baker, Chairman of the Capital Improvement Planning Committee, presented updated information and recommendations of the Committee regarding the Fire Department Headquarters; Fire Station #3 in Forestdale; The Police Station; Town Offices at Jan Sebastian Drive; the Human Services Building; the Department of Public Works building; the Library; the Forestdale & Oak Ridge Schools; the Wing School; the Town Hall Annex.

Mr. Baker gave an overview of the following:

The Town Hall Annex – We are waiting for information regarding the expected life span and what we could expect for life out of the building. The Annex, left alone in its present condition, could possibly last for another 10-15 years. If you do nothing for the next 10-15 years it will deteriorate even more. \$935,000

is the estimated cost to repair the problems to this building. That may extend the life of the building about 5 years and it would still be obsolete. None of the repairs are included in the **Local Comprehensive Plan**.

Mr. Baker - The CIPC unanimously recommends that that the Board of Selectmen not spend any money on the Annex. Two parts of the CIPC recommendation are –don't spend any money on the Annex and the issue of relocating the Town Hall Annex employees is the Town Manager's responsibility not the CIPC's. Input from the public shows that they would rather see a new public safety building built sooner rather than later. They were even calling into question why we are bothering to repair the Fire Dept. Headquarters. If we made it a top priority item, we would still need to do the study that is included in the debt exclusion request, we may be able to get a building built, if we could get support from the public, in three to five years. If that were possible, one of the items that would be removed from the Fire Dept. Headquarters recommendation is the expansion of the living quarters at about \$300,000.00

Mr. Baker gave an overview of the CIPC recommended priority list and affiliated costs - including all of the above mentioned buildings; adding back in the elevator at the Sandwich Hollows Golf Club you would end up with a debt exclusion request of approximately \$5 million and an annual first year cost to the average household of approximately \$65.00 on the tax bill.

Mr. Dunham mentioned that by August 4, the ballot question must be approved by the Board of Selectmen...if the Board was going to support debt exclusion for the CIPC's recommendations.

Mr. Vitacco – do we need to do this work on the fire and police stations to get another 5 years out of them?
Mr. Baker – The main fire station would remain as a substation, the police station would probably become another building.

Brief discussion on capital funding for the Oak Ridge and Forestdale Schools.

Mr. Kennan noted that this is very difficult. We are being asked to consider debt exclusion for \$5 to \$6 million at the same time we are talking about an operational override.

Mr. Baker - the Town should make good use of the declining debt service. Let the people decide.

Ms. Grundman noted that her only reservation is the process piece. The reluctance comes from having a structural deficit and an override on the municipal side on the same warrant.

Mr. Baker mentioned that debt exclusion is for ten years...not forever.

Ms. Grundman – not fully comfortable having this discussion out of the main budget conversation and asked why this can't wait 'til May.

Mr. Baker noted that he would prefer to have done this last May. The buildings don't get better by themselves. The longer we wait the worse off they are. There will never be a cheaper time to borrow money. There will never be a cheaper time to hire contractors. This is not the same as the general budget. Let's give it the stage it deserves and let people just talk about that.

Ms. Grundman – what about public outreach?

Mr. Baker – the CIPC has been ready to go but we have had nothing to go with. We are ready to go with public out reach as soon as the Board of Selectmen says 'yes'.

***MOTION WAS MADE BY MR. PIERCE THAT AN ARTICLE BE PLACED ON THE SPECIAL TOWN MEETING WARRANT TO RAISE \$5.25 MILLION DOLLARS BY DEBT EXCLUSION. THESE FUNDS TO BE USED TO MAKE THE REPAIRS RECOMMENDED BY THE CAPITAL IMPROVEMENT PLANNING COMMITTEE (CIPC), EXCLUDING WORK ON THE TOWN HALL ANNEX, AND REDUCING THE FIRE DEPARTMENT HEADQUARTERS AMOUNT OF \$990, 000 TO \$690,000. SECONDED BY MR. KENNAN.**

Discussion-

Mr. Pierce – we've spent twenty years digging a hole...it's time to put down our shovels, build a ladder and come out of the hole. This is a start. We've hired a consultant, we got a group of very talented people that

have listened to that consultant and helped that consultant and came back to us with a recommendation which to me makes sense. I think we start from this.

Mr. Kennan - We've done a number of studies. Sue James, who has been in the room tonight, was working with the Local Comprehensive Plan. There was a study done, possibly in 1996, about what to do about the Fire Station and it spoke about this station down town being a sub-station...so it goes back that far. Agrees that we need to go forward with this but with a keen eye on a joint public safety building. Before voting, needs to hear from the Town Manager about his comprehensive analysis about all of this.

Mr. Dunham needs to know that he has the backing to determine where people go regardless of what buildings we are looking at and on how we go forward. It is important to point out that these repairs have been needed for a long time. Some of these buildings are so old and the last time we put any money into things was late 2001 early 2002 when we did the exact same thing we are talking about tonight. When we got that money we made it stretch a long way. The way we did things at that Town Meeting was, the article you see in your packet. The article before that was to hear the report of the Capital Improvement Planning Committee and it explained what the money would go for. I want to stress, what we did the last time is what we would do again...an explanation will be given on the slated repairs but we have to say what the slated and planned repairs are because what we found was for example; the Wing School, which probably had more money invested into it in the last debt exclusion that we had in 2001 to fix buildings, and bids came back high and then we found out more things. We knew that this project was one of the main priorities. We ended up putting a lot more money into the Wing School than what we had planned when we first got the approval. When it goes before the voters at Town Meeting it is not going to list each building and the amount, it is going to be a general article but it will include an explanation by the CIPC. We will put an addendum in the back of the warrant that will list the buildings that we think would need the repairs first. You never know what the bids are going to look like and there are certain ones we need to do faster than others.

*Mr. Barrette noted that the motion is probably in order but thinks it is too specific and suggested a friendly **AMENDMENT: TO AUTHORIZE THE PLACEMENT, ON THE TOWN MEETING WARRANT, OF THE DEBT EXCLUSION FOR THE REPAIRS RECOMMENDED BY THE CAPITAL IMPROVEMENT PLANNING COMMITTEE EXCLUDING WORK ON THE TOWN HALL ANNEX AND REDUCING THE FIRE DEPARTMENT HEADQUARTERS AMOUNT OF \$900,000 TO \$690.00-** **And THE SECOND AMENDMENT WOULD BE TO APPROVE PLACEMENT ON THE NOVEMBER BALLOT OF THE CORRESPONDING QUESTION...**if you will take those as friendly amendments?

Mr. Pierce – that will be fine as long as we move this thing forward.

Mr. Barrette - and then just a list of repairs so what we agree to at this point is the list that the CIPC has presented decrementing the main Fire Station repairs by possibly \$300,000, not spending money on the Town Hall Annex and also the Sandwich Hollows Golf Club Elevator project.

Mr. Vitacco – let me get this straight we are entertaining a motion to put this debt exclusion on the Warrant...correct?

Mr. Barrette...we have a motion and a second on the table to place the debt exclusion on the warrant and also to place a corresponding ballot question.

Mr. Vitacco – there are some hard numbers out there and these are difficult economic times but supports the Town Manager regarding the need for making repairs. Believes one thing the voters don't want us to do is waste their money. I know this Board has been due diligent in coming up with this list and not wasting the tax payers money and I think it's done a pretty good job.

Mr. Kennan – asked Mr. Dunham about a comprehensive analysis because these are very difficult economic times and we are expecting the public to vote, they need to make an informed decision and part of that requires us to tell the public that we have a plan.

Mr. Dunham – the priority would be a joint municipal building including public safety. Mr. Baker was correct; we need to look at all of our buildings. Need to decide what is the best solution short term and long term...long term meaning two or three years from now, that would buy us another twenty-five years using all of our buildings. I think it is doable. We have the right expertise on staff to help me and everyone else to make the right decisions. I think the days of wanting to build a central municipal building, as was talked about in the mid '80's right across the street from here...talk about great foresight the exact plans they had back then would serve our needs today and would serve our needs twenty-five years from now. But that's not going to happen.

Ms. Grundman – appreciates the work that has been done by the CIPA but has a real problem with presenting it at a Special Town Meeting out of context with the budget but does understand it is something that needs to be done. Understands that there may be some money to be recouped from school repairs but the schools are getting significantly less in capital improvements from this debt exclusion and it appears their budget is going to be cut significantly more. Would prefer that it be part of a full budget discussion for the May Annual Town Meeting.

Mr. Pierce – move the question.

VOTE – MR. BARRETTE, MR. KENNAN, MR. PIERCE AND MR. VITACCO IN FAVOR AS AMENDED. MS. GRUNDMAN AGAINST.

Mr. Dunham gave an overview of the proposed ballot question language for a Debt Exclusion Article. The way ballot questions are worded is very rigidly dictated by State law and, because you never know about borrowing costs, there is not a dollar figure in the ballot question and there never is on debt exclusions. It will be in the motion of the article at Town Meeting. This language has been reviewed and approved in concept by Town Counsel and Town Counsel may still want to look at it again.

***MOTION WAS MADE BY MR. PIERCE TO APPROVE THE BALLOT QUESTION AND ALLOW FOR NON-SUBSTANTIVE CHANGES BY TOWN COUNCIL AND THE TOWN MANAGER. SECONDED BY MR. KENNAN.**

Discussion-

Ms. Grundman noted that since she has been outvoted, on the warrant article, she is going to vote in favor of the ballot question -doesn't want that to seem inconsistent. She accepts the defeat.

VOTE – UNANIMOUS

OLD BUSINESS

FY' 11 Board and Committee Appointments – future of the Communication Technology Advisory Committee.

Mr. Dunham gave an overview and noted there has been quite a few changes to the CTAC over the last year and at one point they only had one member Dave Mitchell who was serving as chairman for a couple of years and is very dedicated. Figuring out the productivity of the committee vs. demands on staff time, Mr. Dunham talked with the people who serve as liaisons to the group...doesn't think this committee is necessary.

The Board agreed that the Communication Technology Advisory Committee not be reappointed.

Other-

Mr. Dunham updated the Board on the old Town Hall renovation project.

NEW BUSINESS

None.

PUBLIC FORUM

Mr. Jonathan Shaw and Ms. Ellen Carlson of the Sandwich Historical Commission would like the Historical Commission to be more involved in the major decisions with regard to the old Town Hall renovation project, and offered points of concerns with regard to the condition of several Town buildings. Mr. Pierce noted that anything that has been discussion here, that is north of Route 6, is already in the Old Kings Highway Historic District which has some pretty strong restrictions on what you can and cannot do. Mr. Pierce would like to see an authoritative expression, from the Sandwich Historical Commission, of what we need to do above and beyond what the Old King's Highway Historic District already imposes on us. Are those restrictions, from the Old King's Highway Historic District, strong enough to protect the Clark-Haddad building and the Town Hall Annex? If they are not, then possibly one or two pages from the SHC that says this is what we have to do to protect those buildings. Mr. Shaw noted that that is the kind of thing they would like to be involved in. Mr. Barrette mentioned that the Historical Commission would be put on a future agenda.

Carl Johansen offered his thoughts on various town buildings and departments.

CLOSING REMARKS

None.

ADJOURNMENT

10:00P.M.

***MOTION WAS MADE BY MS. GRUNDMAN TO GO INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING DISPOSITION OF REAL PROPERTY AND COMING OUT FOR ADJOURNMENT ONLY. SECONDED BY MR. KENNAN VOTE – MR. VITACCO – AYE; MR. PIERCE – AYE; MR. KENNAN – AYE; MS. GRUNDMAN – AYE; MR. BARRETTE – AYE.**

Respectfully Submitted,

Diane M. Hanelt
Administrative Assistant

Documents and other exhibits used in the meeting:

1. Public comment read by David Darling
2. Public comment read by Carl Johansen
3. Override Presentation Timeline, GHD Draft 7/20/2010
4. Override Presentation #2 – Revenues
5. Public Hearing Notice and back up information – parking ticket fines
6. CIPC Capital Projects Backgrounds and Request – Buildings Recommended for Approval; Other Buildings Considered But Not Recommended at this Time
7. Draft Ballot Question Language for Debt Exclusion Article for Capital Requests
8. Communication Technology Advisory Committee Mission Statement (from Town's web site).