

**JOINT POWERS AGREEMENT  
OF THE CAPE LIGHT COMPACT JPE**

AUTHORIZED AND AGREED TO BY: \_\_\_\_\_

Town of: Sandwich

  
\_\_\_\_\_

Printed Name: George H. Dunham

Title: Town Manager

Date: April 11, 2017

A copy of the authorization, vote or resolution adopted by the Town is submitted concurrently herewith.

**MINUTES BOARD OF SELECTMEN March 9, 2017  
130 Main Street, Sandwich, MA 02563  
7:00 p.m.**

PRESENT for the Board of Selectmen: Susan James, Patrick Ellis, Frank Pannorfi, Peter Beauchemin and David Sampson

Town Manager, George Dunham, Assistant Town Manager, Douglas Lapp, Director of Assessing, Ed Childs and Assistant Town Engineer, Sam Jensen

**PLEDGE OF ALLEGIANCE**

**REVIEW AND APPROVAL OF MINUTES**

No minutes were presented for approval.

**PUBLIC FORUM**

1. Carl Johansen – Thanked the Board of Selectmen for their recent denial of the application to sell medical marijuana. He also read a personal opinion regarding the sale of medical marijuana.
2. Joseph Prusakowski (191 Route 130) – Has issues with the road and engineering problems in front of his property. He feels no maintenance has been done on this section of the road. Additionally, there's poor drainage and when the plows clear the sidewalks in front of his residence, the snow is left on his property.

**TOWN MANGER'S REPORT**

1. Finance Committee Meeting on Tuesday, March 14, 2017 – The Golf and IT Department are scheduled to appear. Finance and Accounting Office will present the following week on March 21, 2017.
2. Next Scheduled Board of Selectmen meeting is on Thursday, March 23, 2017. Mr. Dunham asks the Board their availability for a 6:00 p.m. start time for an Executive Session with Atty. John Giorgio. Also, Paul Tilton will have a short presentation and update on road and infrastructure capital exclusion.
3. At the Selectmen meeting on March 30, 2017 there will be three presentations.
  - a. The project managers and architects on the Public Safety Complex will present. They're close to finalizing design plans. The goal is for the construction documents to be opened in May; contracts awarded in June; start construction in July-August; rough completion time within 18 months of construction commencing.

- b. Stantec will give an update on the Skate Park and provide design recommendations and cost estimates
  - c. Beach consultants, Kirk Bosma from Wood Hole, along with Mr. Dunham and Mr. Galkowski will also present.
4. Beach updates – Mr. Bosma and Mr. Dunham met with four representatives from the Army Corps of Engineers. Mike Riccio is the project manager for the Section 111 study. The project management plan/scope of work has been done since last October. The signed one will be ready May 1, 2017 and the completed draft will be ready by the end of August 2018. The projected end date for the final project will be around February 2019. The Board will be updated more thoroughly at the meeting on March 30th and a copy of the draft project management plan will be provided.
  5. Mr. Dunham and Mr. Bosma also discussed the Scusset Beach borrow site permitting. The Town has received a \$150,000 grant from the Coastal Zone Management Office. A draft ENF form was submitted about six months ago and the final ENF form will be completed by the end of next week. A lengthy federal and state review will follow. More details to follow at the next meeting. The Town is also looking at getting an estimate to address the Old Harbor entrance.
  6. Mark Galkowski has been working with the US Geological Service for the last four years using drones and markers along the beach. About six surveys have been done including surveys after every major storm. Mr. Bosma will present this data on their behalf.
  7. On Tuesday the Town held their kick-off meeting with health insurance consulting firm, John Snow, Inc. It will be a very detailed study and the Town can expect to receive a report on this by the end of the calendar year.
  8. Lower Shawme Pond Dam Project – Progressing along quickly. Every weekly meeting the finish date is pushed up. It was originally supposed to be a two year project, but they now believe they will be done sometime in May.
  9. For the last three weeks, Dave Mason and Mr. Dunham have attended meetings in Falmouth regarding the Upper Cape Regional Grant the Town received from Mass Development for addressing wastewater needs. The Town is working collaboratively with Mass Development and Joint Base Cape Cod. In order to spend the money, they must go through a public bidding process. So far they have been able to outline the scope of work and create a draft request for proposal. Mr. Dunham believes that this grant money must be used by the end of the calendar year.

#### **CORRESPONDENCE/STATEMENTS/ANNOUNCEMENTS**

1. Mr. Sampson introduced Kathy MacDonald and Lyones, the Newfoundland dog that had been missing for three weeks. Ms. MacDonald made a brief statement about how amazed she was at how the Sandwich Community came together. There was an outpouring of caring and support from all across the Town. Mr. Sampson also thanked the entire Town for their help not only when the dog was missing, but when she was found. Many people helped take down signs. He also thanked the Sandwich Police Department, Department of Natural Resources and Sandwich Hollows for their

assistance during the search. A "GoFundMe" page was set up to help pay for the tracker that ultimately captured Lyones. The additional money raised will go to the search and rescue of other missing pets. Mr. Sampson said he has tentatively scheduled a training session with Missing Dogs of Mass. that will be held at Upper Cape Tech on March 26<sup>th</sup>. They will discuss tricks and tips for finding lost dogs.

2. Mr. Pannorfi wanted to clarify an article that appeared in the *Sandwich Enterprise*. Three weeks ago the Board approved a lease on the Deacon Eldridge House. The *Enterprise* article stated, "Sandwich Selectmen reached an agreement with the Collaborative during the Executive Session last Thursday night..." Mr. Pannorfi wanted everyone to be aware that the Board did not negotiate with the Collaborative during Executive Session. The five Board members voted on this and then advised the Town Manager to reach out to the President of the Collaborative to make him aware of their decision. There was not an open meeting law violation. He would like to make this article part of the record.
3. Ms. James had received two pieces of correspondence from individuals who are interested in the Cape Cod Commission's proposal to extend the Shining Sea Bikeway to the canal. They were inquiring about the privatization of the regional transfer station on the Base and if this would affect the project. Mr. Dunham believes the Commission has looked at the extension of the Shining Sea Bikeway and has a couple of different designs they are considering. In Bourne there has been lots of public interest in tearing up the existing rail lines to construct the bikeway. Mr. Dunham made it clear that the federal and state government will not give up those rail lines, but they strongly support the bikeway running adjacent. Paul Tilton is the designated representative for the Upper Cape Transfer Station Board of Managers. There is a bid going out on potential future uses of the transfer station on the Base, but that has nothing to do with ownership of the rail line. The Board of Managers will always have oversight over the transfer station even if a private company runs an operation over there. There are plans to have a bike path/pedestrian path on the side of the railroad bed; it will be more expensive to address especially where the path would have to cross over marsh land. Mr. Ellis added that he is the representative for Region A of the Metropolitan Planning Organization and they verify the funding for these types of projects. It is unlikely to be funded for 15 years (if everything went right). The funding they get is fiscally constrained and they really do not have the money for this type of project. The group has funding cued for the next five years and this includes the bikeway that would be installed along the Service Road (which would be competing with the Shining Sea project).

#### STAFF MEETING

- *FY'17 Classification Workshop – Ed Childs, Director of Assessing*

Ms. James read the Public Hearing Notice into record.

Per M.G.L. Chapter 40 § 56, Mr. Childs is required to conduct this classification workshop annually. The Board of Selectmen heard testimony which enabled them to determine the administration of the tax rate for the Fiscal Year. Mr. Childs explained there are five classes of property of which Sandwich utilizes four: Residential, Commercial, Industrial and Personal Property (no open space). The Boards of Assessors have met and now recommend to the Board of Selectmen to adopt a factor of 1 for the FY 2017 tax rate, with no residential exemption, no small commercial exemption, and no open space discount.

**Mr. Ellis motions to close the Public Hearing on the FY'17 Tax Classification Workshop. Mr. Pannorfi seconds. The vote is unanimous.**

**Mr. Ellis motions to adopt a factor of 1 for the FY'2017 Tax Rate, with no residential exemption, no small commercial exemption, and no open space discount. Mr. Pannorfi seconds. The vote is unanimous.**

**Mr. Ellis motions to allow Mr. Dunham to sign the "Payment in Lieu of Tax Agreement" with NRG. Mr. Pannorfi seconds. The vote is unanimous.**

- *Complete Streets Program Application – Sam Jensen, Assistant Town Engineer*

Mr. Jensen gave a presentation on the new Complete Streets grant program that is being offered through the Massachusetts Department of Transportation. The program targets sidewalks, bike paths and other pedestrian modes of transportation and makes funding available on a grant basis. There are several requirements that need to be met in order to be eligible for funding. One is to draft a Complete Streets policy. Mr. Jensen was provided with templates from Mass DOT and after meeting with other towns and Town departments he tailored a draft policy for the Town of Sandwich. He explained the goal of the Complete Streets program is to improve roads for all users, not just vehicles. The program will target bicyclists and pedestrians of all ages and mobility. Mr. Pannorfi asked if the grant money awarded depends on the number of projects the Town has. Are you limited to just a few projects each year? Mr. Jensen explained that the projects listed in his packet are projects the DPW has identified in Town and that Complete Streets will grant up to \$400,000 per year. Taking part in this program will allow the Town to start making headway on this list of projects. Mr. Pannorfi asked if the list of projects is interchangeable. Mr. Jensen said that they can be shifted if the Town determines they are no longer applicable or if a new project comes to light. Ms. James asked if there is a timeline for the Board to approve the project. Mr. Jensen said this is a program with a revolving application period, but it would be preferable to do it sometime soon. Mr. Sampson asked Mr. Jensen if he would apply for grant money annually and if he would be working off the list of projects. Mr. Jensen said he would be working off the list supplied to the Board and he would work in conjunction with the Bike and Pedestrian Committee. He said he has received positive feedback from them and this effort works well with the Master Plan they are developing.

**Mr. Ellis motions to adopt the Complete Streets Program. Mr. Pannorfi seconds. The vote is unanimous.**

- *FY'18 Budget Hearing per Town Charter*

Ms. James read the Public Hearing Notice into record.

**Mr. Ellis motions to open the Public Hearing pursuant to the Charter for the review of the FY'18 budget. Mr. Pannorfi seconds. The vote is unanimous.**

Mr. Dunham began by explaining that per the Town Charter, there must be two Public Hearings held, one in February and one in April. This Public Hearing was supposed to be held on February 23<sup>rd</sup>, but he forgot to run the ad. Mr. Dunham gave a brief overview and explained the general budget that has been recommended to both the Board of Selectmen and the Finance Committee which includes operating budgets for the School Department, the General Government and Upper Cape Regional Technical School. The Selectmen gave instructions in December for the Town budget and local School budget to come back at 2 ½ %, which both groups (being Mr. Dunham and Dr. Gould) have done. Mr. Dunham said as far as his budget is concerned, he has been able to provide a level service budget at 2% and he identified three positions (2 part-time and one full-time) to account for the other ½%. He feels these positions will provide a much needed service to the Town. The School budget also came back at 2 ½%, with an additional ½% for a minor number of positions they would like to add. As far as the Capital Budget, the internal process with Department Heads has been completed and the budget, as required, has been turned over to the Capital Planning Committee. They voted on a \$1 million net Capital Budget. Mr. Dunham explained on a bigger perspective, the increase in health insurance costs and the increase in property and liability expenses are things the Town is dealing with on the short term. He added it has been thirteen years since there was an override to help fund operating expenses. He gave credit to the Selectmen as well as the Finance Committee for helping to manage that.

Ms. James opened the Public Hearing for comment. The following person spoke:

Carl Johansen – Gave Mr. Dunham compliments for his presentation on the budget. One of his pet peeves is the handicap accessibility in some of the Town buildings, specifically the entrances to the schools. He was wondering if there was any way to have a line item on the budget that addresses this. Mr. Dunham said he is 100% sure that in order to do a Complete Streets project, all sidewalks and roadways need to be handicap accessible. He added they are in the process of establishing a Disabilities Committee to address issues with parking and building accessibility. That Committee would work directly with the Building Inspector who would then work with DPW to address these issues.

**Mr. Ellis motions to close the Public Hearing on the review of the FY '18 budget. Mr. Pannorfi seconds. The vote is unanimous.**

## OLD BUSINESS

- *FY'18 Budget*

Mr. Dunham gave a brief overview of the revenue and expenses on the budget. The Board and Finance Committee must vote on the final budget by the end of the first week of April. He said the summary documents are pretty much the same as the Board has seen over the last few weeks, with the exception of two items on the Capital Budget. The CIPC voted against the Town Neck Beach Portable Trailer/Comfort Station for \$100,000, but supported the addition of \$150,000 to go towards wastewater planning and implementation. Mr. Dunham believes that if the Board wants to push for the Town Neck comfort station that is something that needs to be discussed. Mr. Pannorfi finds it ironic that the Board is always soliciting comments on how to improve the Town's economic development. Three million dollars was spent to restore the beaches, but the CIPC does not approve of spending \$100,000 to install the comfort station. He doesn't understand. This would not just be used by tourists, but the Town residents, who pay a fee, would benefit as well. Mr. Pannorfi would like to hear from the Chamber of Commerce and the SEIC on this issue. Mr. Ellis believes this is a Selectmen policy issue and the CIPC is trying to set policy in the Town which goes against the Charter. He believes it is up to the Selectmen to work this out. Mr. Beauchemin thinks it was a wise decision to go with the trailer-type unit. It is easy to move. Ms. James added that this was strongly recommended in the Beach Management Plan and that is why the Board chose to support it. Mr. Sampson believes it will enhance the area and feels it received good support in the community. Mr. Dunham said that if the Board supports something that the CIPC doesn't, they can either add it back to the list of capital projects or choose to break it out into a separate Warrant article. The Board makes the final decision as to what goes on the Warrant. Mr. Ellis believes it may be useful for two board members to attend a CIPC meeting to explain the Selectmen's opinions.

**Mr. Ellis motions to advise the CIPC that the Board of Selectmen supports the comfort station and they want to keep it on the Warrant. Mr. Pannorfi seconds. The vote is unanimous.**

Mr. Pannorfi wants to clarify an issue regarding the School Committee budget that was presented at the last meeting. He has heard from several residents that the Board voted to cut the school budget by \$800,000. That is not true. The School Committee presented their budget in two pieces, the 2 1/2 % piece and then the funds that are in the revolving account. He believes the school committee should rethink their budget layout so everything is in one place with revenues on one page and expenses on another. He feels it is very difficult to read. Ms. James believes it may be that the State requires the budget be presented the way that it is. Ms. James wanted to make it clear that the Selectmen approved a 2 1/2% increase to their budget (due to contract increases). The School Department met the 2 1/2% by relooking at their budget. The Selectmen did not tell the School Board that the budget needed to be cut by \$800,000. She is happy to have a Superintendent that can come in and give a fresh look to tighten up the budget.

- *Updated Selectmen Meeting Schedule*

Mr. Dunham gave a recap on the upcoming Selectmen schedule. Mr. Pannorfi asks about possibly adding a meeting on March 16th since the meeting on March 23rd has so many presentations. Ms. James feels there will be enough time on the 23<sup>rd</sup>.

- *Draft List of Annual Town Meeting Articles & Key Milestone Dates*

Dr. Dunham reported that the current list of articles has not changed from the last meeting. The "Right to Farm" and "Sand Hill School" Warrant articles have officially been certified. Both were submitted by petition and received the proper amount of signatures. The Planning Board is going through the Public Hearing process with Zoning Amendment Changes and Blair Haney, Town Planner, reported they all seem to be receiving positive support. Ms. James asked about a timeline for editing the list of warrant articles and Mr. Dunham said it could be done this evening. He said the Board can choose which articles will appear on the Warrant with the exception of Zoning Amendments and Petition Articles. Ms. James asks the Board if there are any articles they choose not to support.

**Mr. Pannorfi motions to put a Warrant article authorizing the Board of Selectmen to attempt to sell the Henry T. Wing School.**

Ms. James asks Mr. Pannorfi to wait on this motion until the next meeting. She explains there are some issues that have come up that need to be discussed first. She says it will be on the Agenda for the next meeting. Mr. Dunham explains some of the milestone dates that are approaching. If the Board would like to add any articles to the Warrant they must do so by March 23<sup>rd</sup>. The Board must also finalize the budget recommendation and the Warrant articles by April 6<sup>th</sup>. The Warrant must be signed by April 13<sup>th</sup>.

- *Recreational Marijuana Issues – Potential ATM Article & Town Election Ballot*

Ms. James explains the Board has received language for a ballot initiative from K&P. In addition to the ballot questions, the Planning Board is proposing a Recreational Marijuana Moratorium that would appear as a Warrant article.

**Mr. Pannorfi motions to place an Article on the ballot to ban all types of recreational marijuana establishments in the Town of Sandwich. Mr. Sampson seconds. Mr. Ellis opposes. The motion passes 4-1.**

- *Cape Light Compact – Joint Powers Agreement*

Mr. Dunham gave a brief recap of the presentation Atty. John Giorgio gave six weeks ago about retaining the benefits of the Cape Light Compact and to address concerns when it was



affiliated with the county. With the Municipal Modernization Act, one of the new things that has been established is the Joint Powers Entity. The Joint Power's Agreement was shown in draft form at a prior meeting and now it has been finalized and is included in the Board's packet. Mr. Dunham believes the overview from KP Law is the most comprehensive understanding of the language. He has checked with the other Cape towns and the only one that is still reviewing the language is Bourne, the other 14 towns are comfortable with the language. Ms. James and Mr. Ellis spoke briefly about the Cape Light Compact budget and its transparency. Mr. Pannorfi has been hoping the Cape Light Compact would separate from the county and feels the Town has benefited from their programs and services. He feels that if someone doesn't like the Cape Light Compact, there are many other generators available.

**Mr. Ellis: Motions that the Board of Selectmen vote, pursuant to General Laws Chapter 40, § 4A ½, as follows:**

- 1. To join the Cape Light Compact Joint Powers Entity (JPE);**
- 2. To authorize George Dunham, Town Manager, to execute the Joint Powers Agreement of the Cape Light Compact JPE subject to final review by Town Counsel;**
- 3. To appoint Josh Peters as the Town's Director and Blair Haney as the Town's Alternate Director to the Cape Light Compact Joint Powers Entity; and**
- 4. To take any other action necessary or relative thereto.**

**Mr. Pannorfi: Seconds. The vote is unanimous.**

- *Other Matters Not Reasonably Anticipated*

Mr. Ellis brought up the parking situation at the Nye House on Old County Road. He would like to have a presentation by staff at a future meeting (within the next month) to address this issue. It has been brought up to him more than any other issue in Town.

Mr. Pannorfi gave an update on the Cape Cod Water Protection Collaborative.

## **NEW BUSINESS**

- *Town Manager Performance Review*

This performance review will be done as a Public Hearing. Ms. James explains the form is in the Board's packet and she would like each Board member to complete the form anonymously (if they so choose) and return to her. She will then compile the scores and present the results at the meeting on March 23<sup>rd</sup>. Mr. Pannorfi explains that he will recuse himself because he does not feel it is appropriate for the Board to criticize or compliment the Town Manager in a public forum. Mr. Sampson asked if this is typically done in other towns. Mr. Dunham explains every town does this review differently. There is a new, revised form and he feels it makes more sense than the form used prior. In the past, this review was done during his contract

negotiations that are held in Executive Session. This is the first time it will be done in public. Ms. James has heard that he has not been evaluated publically in a long time and that it is the duty of the Selectmen to evaluate him publically since they are the ones that negotiate his contract.

- *2017 Long Range Plan*

Ms. James explains the changes between the 2016 and 2017 Long Range Plan. The Board can submit any comments to Ms. James, Mr. Dunham or Mr. Lapp. The final version will then need approval before it can be added to the Warrant.

- *Board and Committee Appointments*

- *Historic District Committee Alternates: Ross Vanderpyl and Terry Graves*

**Mr. Ellis motions to appoint Ross Vanderpyl and Terry Graves as alternate members on the Historic District Committee. Mr. Pannorfi seconds. The vote is unanimous.**

- *Substance Abuse Prevention Committee: Denise McFadden*

**Mr. Ellis motions to appoint Denise McFadden to the Substance Abuse Prevention Committee. Mr. Pannorfi seconds. The vote is unanimous.**

- *Bikeways and Pedestrian Committee: Darryl Crossman*

**Mr. Ellis motions to appoint Darryl Crossman to the Bikeways and Pedestrian Committee. Mr. Pannorfi seconds. Ms. James opposes. The motion passes 4-1.**

- *Conservation Commission Alternate: Jack Sidar*

**Mr. Ellis motions to appoint Jack Sidar as an alternate member on the Conservation Commission. Mr. Pannorfi seconds. The vote is unanimous.**

- *Zoning Board of Appeals Alternate: Timothy O'Neill*

**Mr. Ellis motions to appoint Timothy O'Neill as an alternate member on the Zoning Board of Appeals. Mr. Pannorfi seconds. The vote is unanimous.**

## **PUBLIC FORUM**

Robert George (401 Service Road) – Spoke about the issues of Kensington Drive and the problems with the private portion of the road. The potholes almost took off the bumper of a Centerville/Osterville ambulance. He feels it is a safety issue and the Board needs to correct it. He thinks it is time to take the road by eminent domain so it can be fixed.

## CLOSING REMARKS

Mr. Beauchemin speaks briefly about the six 12x14 sheds that the SEIC and the Chamber of Commerce have proposed down at the Marina. The cost is estimated at about \$5,000 each. He had this idea awhile back and did not receive much support for it. Mr. Lapp clarified that when Mr. Beauchemin proposed the sheds they were going to be placed on Army Corps property. The Army Corps was adamant about not placing anything on federally owned land. The new group may be looking at placing the sheds on Town land, but very little specifics were available.

Mr. Pannorfi remarked on Mr. George's comments about Kensington Drive. He and many Selectmen over the years have met with the property owners. Two of the eleven homeowners do not want the road fixed because it will be used as a cut through to Cotuit Road. The Town and Selectmen have met with them many times trying to convince them it is a safety issue.


Mr. Beauchemin reminded the public that the committee that puts on the 4<sup>th</sup> of July fireworks is looking for donations. They can be dropped off at Town Hall during normal business hours. Checks need to be made out to Town of Sandwich with "fireworks" written on the memo line.

## ADJOURNMENT

**Mr. Ellis moved to go into Executive Session for the purpose of discussing Purpose #3: Litigation Strategy – Monomoy Properties v. Planning Board and reconvene for the purpose of adjournment only. Mr. Pannorfi seconded. Mr. Sampson, Mr. Beauchemin, Mr. Pannorfi, Mr. Ellis, Mrs. James so moved. Unanimous.**

The meeting adjourned at 10:03 p.m.

Respectfully Submitted,

 Laura C. Watts  
K.C.

Laura C. Watts