

**AGENDA
BOARD OF SELECTMEN
MONDAY, FEBRUARY 29, 2016**

6:30 p.m. – Convene Meeting in Open Session – Waquoit Meeting Room – Mashpee Town Hall

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MINUTES

Approval of the following: Monday, February 22, 2016 Regular Session

APPOINTMENTS & HEARINGS

- 6:30 – Public Comment
- 6:40 – Public Hearing on the application of Bhanu B. Pokharel, sole proprietor/manager of BND Dollar Saver Convenience, for a new Convenience Store Annual Wine & Malt Beverages License
- 6:50 – Public Hearing on the application of Darby's Natural Market LLC, d/b/a Organic Market, for a new Supermarket Annual Wine & Malt Beverages License
- 7:00 – Legislative Update, Representative David Vieira

COMMUNICATIONS & CORRESPONDENCE

- 1) Discussion relative to Mashpee RESET Project, Tom Mayo

OLD BUSINESS

NEW BUSINESS

- 1) Approval of two (2) requests for one-day liquor licenses on March 19th and April 16th, Mashpee Wampanoag Rod & Gun Club
- 2) Approval of appointment to the Environmental Oversight Committee, Katelyn Cadoret
- 3) Review of the Draft Annual & Special May Town Meeting Warrants

ADDITIONAL TOPICS

(This space is reserved for topics that the Chairman did not reasonably anticipate would be discussed)

LIAISON REPORTS

EXECUTIVE SESSION

Board of Selectmen
Minutes
February 29, 2016

Present: Selectman Sherman, Selectman Gottlieb, Selectman O'Hara, Selectman Cotton
Town Manager Rodney C. Collins
Assistant Town Manager Thomas Mayo

Absent: Selectman Cahalane

Meeting Called to Order by Vice-Chairman Sherman at 6:30 p.m.
Mashpee Town Hall, Waquoit Meeting Room

In the absence of Chairman Cahalane, Selectman Sherman acting as Vice-Chairman of the Board of Selectmen governed the meeting.

MINUTES

Monday, February 22, 2016 Regular Session:

Motion made by Selectman Gottlieb to approve the Regular Session minutes of Monday, February 22, 2016 as presented.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Sherman, yes	Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none	

APPOINTMENTS & HEARINGS

Public Comment:

After a brief absence, the Board of Selectmen welcomed Thomas Mayo back to Mashpee. It was announced this would be Mr. Mayo's last Selectmen's Meeting. Mr. Mayo has served the Town of Mashpee for the past ten years. The Board publicly expressed appreciation to Mr. Mayo for his dedicated service, and favorably recognized his future endeavors.

Board of Selectmen
Minutes
February 29, 2016

Public Hearing on the application of Bhanu B. Pokharel, sole proprietor/manager of BND Dollar Saver Convenience, for a new Convenience Store Annual Wine & Malt Beverages License:

The Board of Selectmen opened the Public Hearing on the application of Bhanu B. Pokharel, sole proprietor/manager of BND Dollar Saver Convenience, for a Convenience Store, Annual Wine & Malt Beverages License, located at 401 Nathan Ellis Highway, Units 6 & 7, Mashpee, MA.

Selectman Sherman read aloud the hearing notice in accordance with posting requirements. Bhanu B. Pokharel, sole proprietor and manager was in attendance to review the license application with the Board of Selectmen. The premise is described as one story, 2394 total square feet, including one retail space, one storage room, one HVAC and one restroom, with a total of two entrances/exits.

Mr. Pokharel indicated he purchased the BND Dollar Saver Convenience Store last June. Currently, he sells convenience items such as milk, bread and some tobacco products. To remain competitive and responsive to the needs of the community Mr. Pokharel requested the Board support his application for an annual wine & malt beverage license. Mr. Pokharel explained that his rent is high and at times it is hard to sustain his business and support his family. Since he has been in business, the neighborhood seems pleased with the service he has provided.

Being no comment, the Board motioned to close the Public Hearing.

Motion made by Selectman Gottlieb to close the Public Hearing.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Sherman, yes	Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none	

Motion made by Selectman Gottlieb to approve the license request made by Bhanu B. Pokharel, sole proprietor and manager of BND Dollar Saver Convenience, for a Convenience Store, Annual Wine & Malt Beverages License, located at 401 Nathan Ellis Highway, Units 6 & 7, Mashpee, MA.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Sherman, yes	Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none	

Board of Selectmen
Minutes
February 29, 2016

APPOINTMENTS & HEARINGS

Public Hearing on the application of Darby's Natural Market LLC, d/b/a Organic Market, for a new Supermarket Annual Wine & Malt Beverages License:

The Board of Selectmen acting as the Licensing Authority for the Town of Mashpee opened the Public Hearing on the application of Darby's Natural Market LLC, d/b/a Organic Market, Darby Ziruk, CEO/ Founder, Rory Eames, Manager, for a Supermarket, Annual Wine & Malt Beverages License located at 32 Market Street, Mashpee, MA.

The Hearing notice was read aloud into the record by Vice-Chairman Sherman. The premise is described as being located on the first floor of a two-story building, 4,000 total square feet, including one retail space, one storage room, one office and one restroom, with three main entrances/exits and one loading dock area entrance/exit.

With the Board's approval, Rory Eames, Manager indicated the organic supermarket plans to become a full service facility by adding organic beer and wine products. A small section of the store would be designated for the high quality and specialty brands intended for sale at the Mashpee Commons facility.

There was no comment or objection to the proposal.

Motion made by Selectman O'Hara to close the Public Hearing.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Sherman, yes	Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none	

Motion made by Selectman O'Hara to approve the application of Darby's Natural Market, LLC d/b/a Organic Market for an Annual Wine & Malt Beverages License at 32 Market Street, Mashpee, MA.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Sherman, yes	Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none	

Board of Selectmen
Minutes
February 29, 2016

APPOINTMENTS & HEARINGS

Legislative Update, Representative David Vieira:

Representative David Vieira was in attendance to update the Board of Selectmen on recent legislative activities. Representative Vieira began his dialogue by complimenting Thomas Mayo, the Assistant Town Manager for his work, especially with the Town's solar arrays and EDIC as he moves forward with his new career venture.

It was reported within the State budget process, the Cherry Sheets have been decided upon. The Governor has increased Local Aid and Chapter 70 (Resolution Aid) monies. There are no increases in payments-in-lieu-of taxes (PILOT) from tax exempt institutions.

It was reported the Town of Falmouth filed a HOME Rule Petition that passed through legislature to bond their sewer project for thirty years through betterment and equal loan payments at zero percent interest. A Local Option bill was recommended for Mashpee to consider as a mechanism for funding future wastewater projects while eliminating the balloon payments.

With regards to Wills Work Road earmarked for construction Representative Vieira indicated the project is required to be placed into the capital plan to become a part of the Environmental Bond bill. Representatives have toured the site and it was agreed the project is in need of repair. However, there is no definitive commitment. Representative Vieira recommended the Town advocate to the Governor and Secretary of Environmental Affairs to assign this project to the new capital plan. In support, it was decided the Board would review and execute a letter to the applicable legislative agencies at their March 14, 2016 meeting. Town Manager Rodney Collins indicated he would follow up with Representative Vieira on this matter to ensure all parties would be appropriately informed of this concern.

In other business, Representative Vieira indicated he drafted House Bill No. 35-36 with the assistance of the Town Clerk regarding Civil Fine Enforcements of bylaw violations. It was reported there are many outstanding bills in the Town of Mashpee. Such a bill would empower the Registrar to hold renewals of licenses for the non-payment of fines. The Town Clerk is a strong supporter of this bill as is the Police Chief. The Massachusetts Municipal Association (MMA) Board is expected to review this matter tomorrow.

In concern with the Opioid drug problem, it was disclosed there is an Interagency Agreement between the Mashpee Police Department and Falmouth Police Department. Representative Vieira is seeking statewide resources to provide funding to these towns working in joint convention on this concern.

Representative Vieira also indicated he is taking action on Section 35 laws in an effort to extend the protective custody laws by adding verbiage for the suspicion of under the influence of drugs to the current suspicion of under the influence of alcohol as it relates to field sobriety testing.

Board of Selectmen
Minutes
February 29, 2016

APPOINTMENTS & HEARINGS

Legislative Update, Representative David Vieira: (continued)

It was recommended the number of treatment beds be increased. Representative Vieira indicated this has become a daily issue, and the current budget proposal is reflected of an increase. It was agreed prescription medication should be more closely monitored as well.

In continuing his report Representative Vieira stated it was recently realized that every regional fire department in the Commonwealth is receiving state support for training with the exception of the Cape. There is an agreement to commit to our local fire training. State resources will contribute funding to maintain the mid-Cape location. Firefighting skills are important, and local firefighters shall participate in regional training. The Fire Academy is also in agreement to help to correct environmental issues and to commit to fire training. It was recommended the Class B firefighting foam, a source of the contamination be removed from the Cape site location.

Lastly, Representative Vieira indicated the Falmouth Rod & Gun Club has plans to restore the Farley Bog and the upper portion of the Childs River to its natural wetland habitat. At a recent meeting, the Conservation Commission unanimously endorsed the concept and the Town of Falmouth voted to move the project forward. The 12-acre bog is shared jointly by the Towns of Mashpee and Falmouth.

COMMUNICATIONS & CORRESPONDENCE

Discussion relative to Mashpee RESET Project, Thomas Mayo:

The Cape Cod Commission (CCC) recently provided technical assistance to Mashpee in the form of RESET teams consisting of several Commission staff members. Thomas Mayo gave an overview of what has been accomplished to date.

The Regional Economic Strategy Executive Team (RESET) provided technical assistance utilizing grant funding. Items contained in the review include the economic commercial corridors within the Town of Mashpee, a housing assessment, regional hotel feasibility study, infrastructure financing, and fiscal impact modeling.

In the next step of the process the EDIC will review the collaborative measures at their March 8th meeting and tentatively meet on this date with representation from the Cape Cod Commission to further discuss the accuracy and completeness of study. As a part of the economic development strategy, Mr. Mayo indicated the he intends to recommend the economic bylaws of the Town of Mashpee be reviewed by Cape Cod Commission.

Board of Selectmen
Minutes
February 29, 2016

COMMUNICATIONS & CORRESPONDENCE

John's Pond Mooring and Jet Ski Regulations:

Selectman Gottlieb indicated he received an email from a resident regarding the use of moorings and jet skis from out of town residents on Johns Pond. (*Enclosure*) As stated in the email of February 14, 2016 there appears to be a problem with respect to the use of Town moorings, recklessness and the use of jet skis on John's Pond. Selectmen Gottlieb recommended the Town consider a bylaw to alleviate this concern. Rodney Collins, Town Manager indicated he would further review the Town's regulations to ensure such a bylaw would be applicable. It was agreed this would be an agenda topic at the next meeting on March 14, 2016.

Excise Tax Bills:

It was reported the Treasurer's Office has mailed the excise tax bills yesterday.

NEW BUSINESS

Approval of two (2) requests for one-day liquor licenses on March 19th and April 16th, Mashpee Wampanoag Rod & Gun Club:

Mashpee Wampanoag Rod & Gun Club member Courtenay Mills was before the Board to request approval for the use of two dates to use their 2016 liquor license. The dates requested are March 19, 2016 and April 16, 2016.

Motion made by Selectman Gottlieb to approve the request of the Mashpee Wampanoag Rod & Gun Club to use their liquor license dates on March 19, 2016 and April 16, 2016.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Sherman, yes
Selectman Cotton, yes

Selectman Gottlieb, yes
Opposed, none

Selectman O'Hara, yes

Board of Selectmen
Minutes
February 29, 2016

Approval of appointment to the Environmental Oversight Committee, Katelyn Cadoret:

Correspondence was received from Katelyn Cadoret, Assistant Conservation Agent dated February 11, 2016 requesting to be appointed to the Environmental Oversight Committee. The EOC at their February 10, 2016 meeting recommended her appointment. Selectman Gottlieb, a member of the EOC recommended approval, and noted that Ms. Cadoret has been attending and contributing at the EOC meetings on a regular basis.

Motion made by Selectman Gottlieb to appoint Katelyn Cadoret to the Environmental Oversight Committee.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Sherman, yes	Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none	

Review of the Draft Annual & Special Town Meeting Warrants:

The Board of Selectmen received Draft #1 of the Special and Annual Town Meeting warrants of Monday, May 2, 2016. In the absence of the Chairman of the Board of Selectmen it was agreed the review of the warrant would be deferred to the next meeting. It was requested that Mary Bradbury, the Recreation Director attend the March 14th meeting to review the Disc Golf proposal.

Adjournment:

Motion made by Selectman Gottlieb to adjourn at 7:22 p.m.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Sherman, yes	Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none	

Respectfully submitted,

Kathleen M. Soares
Secretary to the Board of Selectmen

Document Enclosure:

Email: 2/14/16
John's Pond Mooring & Jet Ski Regulations