

**AGENDA
BOARD OF SELECTMEN
MONDAY, MARCH 14, 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 29, 2016 Regular Session

APPOINTMENTS & HEARINGS

- 6:30 – Public Comment
- 6:40 – Public Hearing: Fiscal Year 2017 Capital Improvement Program
- 6:50 – Update on Cape Cod Regional Technical High School, Robert Sanborn/Superintendent
- 7:05 – Petition for Change of License/Change of DBA, *El Colibri Restaurante*, Robert Catania
- 7:10 – Update on Farley Bogs Restoration Project, Gary Anderson

COMMUNICATIONS & CORRESPONDENCE

- 1) Letter of Support for bond authorization for realignment of Wills Work Road in South Cape Beach State Park, Town Manager

OLD BUSINESS

NEW BUSINESS

- 1) Discussion of Transfer Station Fee Increases, Catherine Laurent
- 2) Discussion of Disc Golf Course proposal, Mary Bradbury
- 3) Approval of Mashpee Commons 2016 Summer Events Schedule, Mary Derr
- 4) Approval of 2016 Seasonal Population Projection
- 5) Approval of re-appointment to the Board of Registrars - *Ernie Virgilio*
- 6) Approval of appointment as Planning Board representative to the Environmental Oversight Committee - *Joseph P. Cummings*
- 7) Review of Draft #1 of 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

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

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

MINUTES

Monday, February 29, 2016 Regular Session:

Motion made by Selectman Gottlieb to approve the Regular Session minutes of Monday, February 29, 2016 as presented.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 4-0-1.

Roll Call Vote:

Selectman Cahalane, abstained
Selectman O'Hara, yes

Selectman Sherman, yes
Selectman Cotton, yes

Selectman Gottlieb, yes
Opposed, none

APPOINTMENTS & HEARINGS

Public Comment: None at this time.

Public Hearing: Fiscal Year 2017 Capital Improvement Program:

The Board of Selectmen opened the Public Hearing on the proposed Capital Improvement (CIP) program for fiscal year 2017. In attendance were CIP members Rodney Collins, Andrew Gottlieb, Dawn Thayer, Terrie Cook and Chuck Gasior. To conform to posting procedures, the Hearing notice was read aloud into the record.

The recommended capital budget presented as Article 3 on the May 2016 Town Meeting Warrant appropriates the sum of \$468,731 to various departmental capital accounts. With the exception of the purchase of a F-550 dump truck to the DPW, and VMWare Server for the Police Department and Firewall at Town Hall, the budget mainly consists of prior year commitments relative to the continuation of the Police Department Vehicle Replacement Program, the Department of Public Works lease purchase vehicle agreements and the Recreation Department 12 passenger van lease.

CIP member Terrie Cook indicated the \$468,731 recommended capital budget does not fully derive from available funds. Mashpee Cable and Advanced Technology (MCAT) funding in the amount of \$39,000 would support the VMWare Server at the Police Department and Firewall upgrade at Town Hall which is now six years old and deemed an important requirement to protect the Town and its investments. The Recreation Department's 12-passenger van \$9,920, in year 2 of a 3-year lease is also fully funded through the Recreation Department's Revolving Fund.

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APPOINTMENTS & HEARINGS

Public Hearing: Fiscal Year 2017 Capital Improvement Program: (continued)

In reviewing the capital plan it was realized the Planning & Construction Committee was not active in the process which is a requirement of the Town Charter in the CIP program. In response, the Board of Selectmen agreed to reactivate and advertise seeking membership to this committee. With the reorganization of the Planning & Construction Committee infrastructure projects within the capital plan would be prioritized for current and ensuing years. With a recommendation, it is most likely the CIP would reconvene to consider additional projects for the fall and/or spring town meeting. Projects under initial consideration include the replacement of the windows at the Quashnet School, a storage garage with parking at the DPW, and the pavement management program.

With temporary bonding authorization, the CIP voted to recommend a \$650,000 Town Meeting article for the purchase of a Fire Department Pumper Truck to include necessary equipment and training with the debt to be fully funded by the Ambulance Receipts Account.

With regards to DPW vehicles it was noted that most of the vehicles in the Capital Improvement Program for FY17 are vehicles in their second or third year of payment. Generally DPW replacement vehicles are replaced on an eight or nine year cycle. Ms. Laurent clarified the F-250 pickup in the capital plan in year 2 of a 2-year lease does not contain an uplift. Two other pickups in the DPW fleet have lift gates that are typically used at the beaches and to transport equipment. In discussing the operations of the DPW Ms. Laurent indicated the town recently employed two mechanics which represent a cost savings to the department by conducting in-house repairs.

Lastly, within the framework of the CIP, it was determined the wastewater issue was not the appropriate venue for the magnitude of this project.

The CIP Committee voted unanimously to recommend the Board of Selectmen approve the FY17 Capital Improvement Program as referenced to include the separate article to temporarily bond funds for the purchase of a new Pumper Truck for the Fire Department.

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

Motion made by Selectman Sherman to close the Public Hearing.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes
Selectman O'Hara, yes

Selectman Sherman, yes
Selectman Cotton, yes

Selectman Gottlieb, yes
Opposed, none

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APPOINTMENTS & HEARINGS

Public Hearing: Fiscal Year 2017 Capital Improvement Program: (continued)

Motion made by Selectman Sherman to accept the Capital Improvement Program budget for fiscal year 2017 as recommended.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes
Selectman O'Hara, yes

Selectman Sherman, yes
Selectman Cotton, yes

Selectman Gottlieb, yes
Opposed, none

Update on Cape Cod Regional Technical High School, Robert Sanborn/Superintendent:

Robert Sandborn, Superintendent of the Cape Cod Regional Technical High School was in attendance with School Business Manager Erin Orcutt to update the Board on the FY17 School budget and MSBA grant project.

The Town of Mashpee has been a member town of the Cape Cod Regional Technical High School district since 1981. In FY17 a total of 618 students are participating in the technical school representing twelve member towns. To date 59 students from the Town of Mashpee, a total enrollment of 9.55% are attending the school. There is a decrease of 3 students from fiscal year 2016.

Mr. Sandborn indicated the total school budget is \$14,459,000 million. This figure represents a decrease of .50% or \$73,300 from last fiscal year. Approximately \$11.8 million derives from participating towns. It was explained the decrease in spending is attributed to a reduction in transportation costs down by 2.29%, from utilities and heating 18.4% and from a 10% reduction in salaries and benefits. In preparation for construction the overall school spending has lessened.

When reviewing overall student costs Mr. Sandborn indicated the assessment for Mashpee is down by \$29,211 or 29% less per student. The cost to educate each student is \$24,000. As per DESE, the technical school is requesting \$19,274 per student. Mr. Sandborn reviewed other costs associated to the \$1,137,175 the Town of Mashpee is anticipated to contribute. Although most of the funding is used to support teacher salaries and benefits, additional costs include insurance, educational materials, plant operations, administration, support services, transportation and capital requirements.

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APPOINTMENTS & HEARINGS

Update on Cape Cod Regional Technical High School, Robert Sanborn/Superintendent: (continued)

After five attempts to obtain funding from the Massachusetts School Building Assistance Bureau (MSBA), the technical school was invited to submit a Statement of Interest (SOI) and begin the feasibility and schematic design phase of the grant requirement process. It was noted that one million dollars has been budgeted for the study.

Mr. Sandborn indicated the school project is now on the fast track stage. The school building committee has negotiated with the owner's project manager, and is working to select a project architect. In November of 2017 a district wide vote is anticipated. At this time project costs are unknown although a 42% reimbursement rate is projected.

As this matter was reviewed, it was agreed that all Cape towns are struggling, and this is a challenge to confront. With the pending wastewater issue, this project is a large undertaking for 59 students, with only 9.55% of Mashpee student attending the district school.

As costs become apparent, it was agreed this matter would be re-visited as a future agenda topic of discussion. Mr. Sandborn invited members of the Board to visit the school.

Petition for Change of License/Change of DBA, *El Colibri Restaurante*, Robert Catania:

Robert Catania, stockholder/director met with members of the Board of Selectmen to request a change of corporate name; d/b/a from El Colibri to Oak and Ember Inc. d/b/a Oak and Ember at the site location 36 South Street, Mashpee, MA. The manager Dan Callinan remains the same for the Annual All Alcohol Restaurant license. There was no objection to the petition for change of d/b/a.

Motion made by Selectman O'Hara to approve the petition for Change of License DBA from El Colibri to Oak and Ember as referenced.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes
Selectman O'Hara, yes

Selectman Sherman, yes
Selectman Cotton, yes

Selectman Gottlieb, yes
Opposed, none

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Update on Farley Bogs Restoration Project, Gary Anderson:

Waterways Commission member Ken Bates with affiliation to the Falmouth Rod & Gun Club and the Sporting, Safety, Conservation, Education Fund of Falmouth (SSCEFF) introduced Gary Anderson, a member of the charitable organization and Rod & Gun Club to the Board of Selectmen.

Mr. Anderson indicated the Town of Mashpee and the Town of Falmouth share ownership of the 12-acre Farley Bog, an abandoned cranberry bog located adjacent to the Falmouth Rod & Gun Club on Carriage Shop Road. The Falmouth Rod & Gun Club and SSCEFF has met with Falmouth officials who have supported plans to restore the Farley Bog to its natural wetland habitat and to create a cold water fishery in the upper portion of the Childs River. The Mashpee Conservation Commission was noted to have given unanimous support to this concept as well. At the site location, the Town of Mashpee owns approximately two acres, a narrow strip along the bog area.

Mr. Anderson indicated that currently the waters are too warm and too shallow for the herring and brook trout to spawn. The project proposes to realign a portion of the Childs River to create the cold water fishery. Two footbridges are planned to be constructed for hikers. In re-establishing the property as a natural water filtering wetland area for birds and wildlife, there would also be recreational and educational benefits to promote as well. There is a conservation restriction at the site location which prohibits development.

Recently, ground penetrating radar was used to create a topographical map of the Farley Bog area. There is a sense of urgency with respect to this project as it has been determined the bog is reverting to a feral state with a notable increase in trees and shrubbery in this area.

Representative David Vieira was in attendance in support for the protection of the two environmental assets. It was noted that Fran Smith of the Cape Cod Chapter of Trout Unlimited has extensive knowledge in bog refurbishment and in the restoration of stream and cold water habitat. Volunteers would also assist in the renewal process.

Mr. Anderson indicated the project requires a substantial financial investment. Under consideration are options for Falmouth and Mashpee to declare the bog surplus municipal land or to perhaps allow the Rod & Gun Club to acquire the property for sale or long term lease. Grant funding would be sought to offset costs associated to the project proposal.

At this time, it was recommended the Mashpee Board of Selectmen endorse the concept and select a representative to meet with counsel, and a sub-committee to be chaired by Representative Vieira with respect to this regard to report back to each respective board.

The Board of Selectmen agreed this is a unique resource to support wildlife opportunities in addition to being an environmental asset to bring people to Mashpee. Selectman Gottlieb offered to serve on the subcommittee on behalf of the Board of Selectmen.

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APPOINTMENTS & HEARINGS

Update on Farley Bogs Restoration Project, Gary Anderson: (continued)

Motion made by Selectman Gottlieb to support the concept of the Farley Bog Restoration Project, and work with the subcommittee as identified.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes
Selectman O'Hara, yes

Selectman Sherman, yes
Selectman Cotton, yes

Selectman Gottlieb, yes
Opposed, none

COMMUNICATIONS & CORRESPONDENCE

Letter of Support for bond authorization for realignment of Wills Work Road in South Cape Beach State Park, Town Manager:

At the last Selectmen's Meeting Representative Vieira recommended the Board send a letter of support to Governor Baker and legislative officials requesting to be placed in the capital plan for the Environmental Bond funding to complete work associated to the realignment of Wills Work Road in the South Cape Beach State Park. Wills Work Road is the single public access point to the DCR beach, the Town beach and to Callie's Beach on Waquoit Bay.

Motion made by Selectman Gottlieb to send a letter of support as referenced for the Environmental Bond authorization to fund the realignment of Wills Work Road, Mashpee.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes
Selectman O'Hara, yes

Selectman Sherman, yes
Selectman Cotton, yes

Selectman Gottlieb, yes
Opposed, none

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NEW BUSINESS

Discussion of Transfer Station Fee Increases, Catherine Laurent:

At their February 22, 2016 meeting the Board of Selectmen reviewed the Report of the Waste Management Committee and recommendations regarding the disposal of waste along with initiatives to increase recycling. With increased costs, Catherine Laurent, Director of Public Works reviewed proposed options under consideration for the operation of the Transfer Station.

The Town does not currently require a sticker for recycling. Those using the Transfer Station are required to show proof of residency or property ownership to recycle. There has not been an increase in recycling, and there have been reports of abuse with regards to recycling. The Town at present pays to recycle and approximately 25% of the Transfer Station budget is funded by the Town.

The options under consideration impose a minimal fee for recycling to offset costs. Option 1 presents a 25% tax subsidy with a \$5 recycling sticker fee. The cost includes a \$129 permit fee for the 1st household, and the 2nd household fee is \$10. Single trip passes are \$10 for each trip.

In Option 2 the Transfer Station permit is \$174 for the 1st household. The second household, single trip passes and recycling fees are the same as in Option 1. In Option 3 the permit fee is \$171 for the 1st household. The second household remains at \$10 per sticker, and the single trip passes are \$10. In this option the recycling fee increases to \$16.

In Option 4, the 1st household permit fee is \$177, a low income fee is presented for \$60, and the 2nd household and single trip passes would cost \$10 with the recycling fee at \$16 per sticker. In the Town of Barnstable approximately 2% of their household permits sales are for low income households. With approval of a financial aid application, a low income sticker in Barnstable is \$72. Currently Mashpee charges \$119 for a Transfer Station sticker for the 1st household. The second household sticker costs \$10, and individual trip passes cost \$10 each. Recycling is offered at no charge.

At the last meeting, the Board of Selectmen discussed studying this matter for a period of one-year to further define actual costs and savings. It was recommended the Board defer this matter for one-year to obtain true figures before setting policies. This includes action regarding the PAYT program.

Ms. Laurent indicated the Town removes waste from dumpsters at all Town buildings, schools, beaches, parks and roadside debris. However, it is not deemed significant in terms of waste. It was reported there are administrative costs to oversee the operations, and all funding derives from the DPW operating budget.

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NEW BUSINESS

Discussion of Transfer Station Fee Increases, Catherine Laurent: (continued)

Motion made by Selection Gottlieb to support Option #1, and set a Transfer Station permit fee 1st household at \$130, \$10 for 2nd household, and \$10 for single trip passes, and no charge for recycling.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

**Selectman Cahalane, yes
Selectman O'Hara, yes**

**Selectman Sherman, yes
Selectman Cotton, yes**

**Selectman Gottlieb, yes
Opposed, none**

Discussion of Disc Golf Course proposal, Mary Bradbury:

With regards to the Community Preservation project request of the Recreation Department to construct an 18 hole Disc Golf Course at the Pickerel Cove Recreation Area, it was reported the recreational project would be in violation of the terms and conditions of the Conservation Restriction (CR) Agreement.

Communication was received from the Division of Fish & Wildlife via email dated March 11, 2016 with respect to this regard. There are concerns relative to the extent of the vegetation and habitat impacts including the potential for disturbance of and possible collection of Eastern box turtles associated with a concentrated and active use of the property. The CR specifies significant areas for activity which include a 2-acre site, and a 4 acre area near the waters of Pickerel Cove where there are allowances for car-top boat access and associated car top parking. It was noted the Town through CPC funding planned to develop a boat ramp but there were issues with the Architectural Access Board (AAB) regarding handicap accessibility. The project was not denied by the U.S. Fish and Wildlife. However, the Town deemed the project not practical at this site location.

It was noted the 78.67 acre parcel under the CR is retained in perpetuity for its natural, scenic and open condition for fish and wildlife conservation, native habitat protection, associated public recreation and other conservation uses. The property in its present state is used for passive recreation by hikers and walkers. There is an open field for recreational use within the 2-acre delineation.

The Town Manager was requested to obtain further information as to permissible uses at the site location.

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Approval of Mashpee Commons 2016 Summer Events Schedule, Mary Derr:

Mary Derr, Marketing Director of Mashpee Commons reviewed the special events planned at Mashpee Commons for the 2016 season with members of the Board of Selectmen. The 2016 event schedule begins on March 26, 2016 with complimentary photographs taken with the Easter Bunny. Thereafter, the Memorial Day weekend sidewalk sale is planned. Additional events include the annual Block Parties in June, July and August and the weekend Farmer's Markets scheduled to be held on Sundays from June until October.

First Fridays beginning in June will provide live music and complimentary activities at select businesses through the summer season. The annual Columbus Day weekend, Halloween Parade is planned in the fall, and the Mashpee Commons for the Holidays will kick-off on November 25th through December 23rd.

Additional events not coordinated by Mashpee Commons include the Castleberry Craft Fair in August, the Annual Seaside LeMans Race in September and the Annual Mashpee Chamber Christmas Parade with a date to be determined and coordinated by the Chamber. There were no objections to the events schedule as outlined.

Motion made by Selectman Gottlieb to approve the Mashpee Commons 2016 Events Schedule as outlined.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes
Selectman O'Hara, yes

Selectman Sherman, yes
Selectman Cotton, yes

Selectman Gottlieb, yes
Opposed, none

Approval of 2016 Seasonal Population Projection:

Correspondence was received from the Town Planner dated February 25, 2016 relative to Summer Population projections for July 10, 2016. The overnight population estimate is 34,257 persons. This projection will be submitted to the Alcoholic Beverages Control Commission to establish a quota of seasonal package goods stores.

Motion made by Selectman Sherman to estimate the temporary increased resident population on July 10, 2016 to be 34,257 persons in the Town of Mashpee.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes
Selectman O'Hara, yes

Selectman Sherman, yes
Selectman Cotton, yes

Selectman Gottlieb, yes
Opposed, none

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Approval of re-appointment to the Board of Registrars - *Ernie Virgilio*:

Deborah Dami, Town Clerk remitted communication to the Board of Selectmen dated March 7, 2016 announcing the expiration of a member of the Board of Registrars Ernest Virgilio due to expire on March 31, 2016. Mr. Virgilio represents the Republican voters of the Town of Mashpee and desires to be reappointed for a three-year term.

Motion made by Selectman O'Hara to reappoint Ernest Virgilio to the Board of Registrars as referenced for a term to expire March 31, 2019.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes
Selectman O'Hara, yes

Selectman Sherman, yes
Selectman Cotton, yes

Selectman Gottlieb, yes
Opposed, none

Approval of appointment as Planning Board representative to the Environmental Oversight Committee - *Joseph P. Cummings*:

At its meeting of June 17, 2015, the Planning Board voted to designate Joseph P. Cummings as its new representative to the Environmental Oversight Committee. Mr. Cummings will replace George Peterson.

Motion made by Selectman Gottlieb to appoint Joseph P. Cummings to the Environmental Oversight Committee for a term to expire June 30, 2016.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes
Selectman O'Hara, yes

Selectman Sherman, yes
Selectman Cotton, yes

Selectman Gottlieb, yes
Opposed, none

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Review of Draft #1 of Annual & Special May Town Meeting Warrants:

The Board of Selectmen reviewed Draft #1 of the Special and Annual Town Meeting Warrants of Monday, May 2, 2016 dated March 10, 2016. The articles were read aloud into the record by Selectmen Sherman. The following action was taken by the Board of Selectmen;

Special Town Meeting Warrant:

Article #2: \$256,200 to the Snow & Ice Account

Article #5: CPC - Housing Assistance Program; \$330,000 for a three-year period: HELD
The Housing Authority Director will be requested to attend the next meeting to further review this article.

Article #10: CPC – Disc Golf at the Pickerel Cove Recreation Area; \$18,500: REMOVED
Recreational Activity not allowed under the terms and conditions of Conservation Restriction (CR).

Motion made by Selectman Gottlieb to remove Article #10 from the warrant as presented for the Disc Golf proposal at the Pickerel Cove Recreation Area.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes
Selectman O'Hara, yes

Selectman Sherman, yes
Selectman Cotton, yes

Selectman Gottlieb, yes
Opposed, none

Annual Town Meeting Warrant:

Article #2: To Fund the Annual FY17 Operating Budget
It was disclosed the Finance Committee has voted to approve all of the Town Managers recommendations to fund the annual operating budgets for the various Town Departments.

Article #4: Cape Cod Regional Technical High School District Budget
In reviewing the presentation made earlier on this date by the School Superintendent, Finance Committee member Terrie Cook clarified the correct figures to be inserted in the Article;
Annual Regional School District Budget: \$14,459,000
Town to raise and appropriate: \$1,137,175 to meet its share of the cost
Explanation;
Mashpee's share of the Regional Technical High School budget is \$1,137,175
There are 59 students from Mashpee at the Regional Technical High School,
A decrease of 3 students from last year

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Review of Draft #1 of Annual & Special May Town Meeting Warrants: (continued)

Article #8: Chapter 90 Program: HELD to insert monetary amount for road improvement projects

Petition Articles Recommendations: HELD, Articles have been submitted to legal counsel

Motion made by Selectman Sherman to approve the Special and Annual Town Meeting Warrant Articles contained in Draft #1 as dated March 10, 2016 with the exception of Special Town Meeting Warrant Article #5, and Annual Town Meeting Warrant Article #8.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

**Selectman Cahalane, yes
Selectman O'Hara, yes**

**Selectman Sherman, yes
Selectman Cotton, yes**

**Selectman Gottlieb, yes
Opposed, none**

The Board of Selectmen at their March 28, 2016 meeting shall take action to execute the Annual and Special Town Meeting warrants of Monday, May 2, 2016.

LIAISON REPORTS

EDIC: The Board of Selectmen was requested to provide comment to the EDIC with respect to the RESET project by Tuesday, March 15, 2016.

Adjournment:

Motion made by Selectman Sherman to adjourn at 8:23 p.m.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 5-0.

Roll Call Vote:

**Selectman Cahalane, yes
Selectman O'Hara, yes**

**Selectman Sherman, yes
Selectman Cotton, yes**

**Selectman Gottlieb, yes
Opposed, none**

Respectfully submitted,

Kathleen M. Soares
Secretary to the Board of Selectmen

