Present: D. Sampson, M. Miller, B. George, S. Hctor, C. Holden
G. Dunham, Town Manager; Heather Harper, Assistant Town Manager
Others Present: Chris Wilson, Christopher Kirrane, Paul Hilton, Amy Lipkind, Don DiGiacomo

Mr. Miller opened the meeting at 7:05 PM by reading the March 12, 2020 Executive Order from Governor Baker suspending certain portions of the Open Meeting Law. There will be no in-person attendance for Selectmen’s meetings, however the meeting will be live-streamed and comments from the public will be taken through technologic means.

PLEDGE OF ALLEGIANCE

REVIEW AND APPROVAL OF MINUTES
Mr. Sampson moved to approve the Selectmen meeting minutes from July 23, 2020. Mr. Holden seconded. Approved unanimously by roll call vote.

PUBLIC FORUM
None.

TOWN MANAGER REPORT
1. There will be a Board meeting on August 20. Mr. Dunham is working on the agenda.
2. On August 17, the general contractor will begin work on 100 Rte. 6A. The demo is done.
3. Mr. Tilton requested funding for generator work at the DPW barn from FEMA funds. The generator needs upgrading. He requested $30,000 but needs to send more information into FEMA. He is hoping to receive the grant within the next six months.

CORRESPONDENCE/STATEMENTS/ANNOUNCEMENT
Mr. Miller reported attending the Eagle Scout ceremony in the Legion pavilion. Tyler Schultz and Nathan Zylich gave good presentations. Over the years, there have been 67 Eagle Scouts from this troop. They have plaques and would like to find a place to mount them permanently. Mr. Miller also mentioned that the crosswalk near the fish hatchery has no warning; the State might want to look at it. Mr. Sampson reported that he connected Mr. Dunham with Mr. Forget at Upper Cape Tech. The school is looking for projects – possibly the gazebo near the Wing School. Mr. George reported that 1,000 people came to the food give-away; there was lots of food and happy people. Mr. Holden reported on the Ice Cream Sandwich event. The distributor of the Ice Cream offered a donation of $1,500 to the food pantry on behalf of the Town.

STAFF MEETING
Request for Entertainment License – 2 Jarves Street – Mr. Kirrane stated that Mr. Wilson is requesting an entertainment license for 2 Jarves St. There are two applications for the same location: one in the name of the gallery, and the other in the name of the Seal. The reason for the two applications is that the Seal has an alcohol license for that location, so there must be an occupancy permit from the Building Department; the permit is not yet available and Mr. Wilson would like to start the entertainment, so the other application is in the name of the gallery, which does not have an alcohol license, so occupancy permit is not necessary. Only
one of the licenses will be used, subject to the Seal’s obtaining the occupancy permit. The music will be jazz-type music, mostly inside, but some outside similar to the Brown Jug. There will not be a DJ. There was no application in the packet, but it was received and sent to the Board today. Mr. George reviewed the application and said it looked appropriate.

Questions from the Board: Mr. Hoctor expressed some confusion about the actual request. Mr. Kirrane clarified that the two applications are for the same property, but different license holders are listed and the final holder of the license would be pending the occupancy permit. Mr. Sampson has concerns about the apparent convoluted process, because the facts seem to change; the Board needs to be able to trust the applicant. Mr. Kirrane said that Mr. Wilson has never been cited for a liquor license violation and should be judged on the merits of the application. Mr. Miller said so long as it is clear in the license agreement, the Town would have recourse if there is a problem. If the occupancy permit is approved, the license would be held by the Seal; if not, the license would be held by the gallery. Whichever one is initiated, the other will be relinquished. Mr. Hoctor expressed concern that it appears that not all the pieces are in place; Mr. Dunham says this happens fairly frequently.

Mr. Hoctor moved to approve both license applications for entertainment license with a stipulation that if approved, the second one would be returned to the Town, and contingent on the occupancy permit for the Seal. Seconded by Mr. George. Approved by roll call vote, with Mr. Sampson voting against.

Request to Extend Existing Entertainment License to Outdoor Seating area at 290 Rte. 130 Sandwich Taverna, Thanos Gossios: Mr. Gossios was not in attendance at the meeting and Mr. Hoctor thought the Board had agreed that any license applicant should come before the Board personally. Mr. Sampson contacted Mr. Gossios by phone and he said he had been unaware he had to attend the meeting. He is looking to allow an acoustic guitar player and televisions on the main patio outside.

Questions from the Board: Mr. Miller said he had been to the site and wondered where the musician would be placed. Mr. Gossios said there are two possibilities – back against the building facing the street or facing the building, whichever causes less infringement on other tenants in the plaza. The hours will be 9 PM to Midnight. Mr. George said it will be similar to what is being done at Fisherman’s View. Mr. Holden asked if there would be fewer than three instruments. Mr. Gossios will confirm that and stated there will be no amplifier used. If there are any changes he will email everyone; he is just looking to build his business.

Mr. George moved to approve extending the existing license at the Taverna to the outside seating area with instruments to be no more than three. Mr. Hoctor seconded. Approved unanimously by roll call vote.

OLD BUSINESS

FY '21 Budget Update: Mr. Dunham reported that there has been no official word from the State. He has been notified that the Chapter 70 projections will include $850,000 more than the current amount, mainly to address opening costs associated with the pandemic. It is also likely that unrestricted government aid level in the discretionary aid will be level funded. The charter and school assessment amounts are really important, but he doesn’t have any information on them at present. The budget planned for level funding the large accounts, so it is possible that if we receive extra funds, a Town Meeting would be required to appropriate it. Departments have capital needs that have not been addressed and department heads would like them revisited if there is a Town Meeting. Mr. Dunham said he will consult with Town Counsel about what to do if there are additional funds to appropriate. Mr. Miller asked what those needs might be, but Mr. Dunham is not sure. There will be information coming. He also asked whether part of the $850,000 has been restricted to certain expenses and Mr. Dunham said that these restrictions might apply to nearly all of the increase.

Disposition of the Wing School, Land Development Agreement, Cape Cod Collaborative Lease, Waiver of Uniform Relocation Act: Ms. Harper reported that the Land Development Agreement has been drafted and the attorney for the developer is looking at it. The terms are important for the developer to move forward
with the design and project but the agreement will not be executed until the transfer of the property is close. Paul Hilton and Amy Lipkind are on the call to discuss the Collaborative lease. The lease will be between the Collaborative and the Board of Selectmen, but the care and custody is under the School Department, similar to the last lease. There have been some COVID-related protections added. The lease has been reviewed by both Town and Collaborative Counsel. The Collaborative agreed to sign the Uniform Relocation Act waiver. Mr. Hilton thanked the Board and said the Collaborative will continue to maintain the property.

**Questions from the Board:** Mr. George asked if the Collaborative would stay until constructions begins; Ms. Harper said the end date is December 31, 2021. If the process is slower, then the Board could extend the lease. Mr. Hoctor asked who would be responsible if there were a catastrophic failure of equipment in the building. Would the Town need to find another location for the Collaborative? Ms. Harper said the Town will not be responsible for relocation. Mr. Hilton said the Collaborative has relocation insurance. There was a boiler failure in March that cost $19,000, so it should be good for four to five years. The Collaborative will do other small maintenance. The School Department might have other policies. Mr. Holden asked if it would be more practical for the Collaborative to terminate the agreement, what happens? Ms. Harper said the lease gives room for proration of rent. Mr. Miller asked if the developer is not ready but everyone is out of the building on December 31, what happens. Ms. Harper said the school remains the custodian of the building until the end of that fiscal year. They are working on a memorandum to address this.

**Mr. George moved to accept the lease as presented from July 1, 2020 to December 31, 2021. Seconded by Mr. Hoctor. Approved unanimously by roll call vote.**

**School Committee Interim Appointment Process:** Mr. Miller talked with Don DiGiacomo, School Committee Chair, about the process for appointing a new interim School Committee member. Mr. DiGiacomo would like to fill the position as soon as possible. Town Meeting approved a joint appointment with the School Committee and the Board of Selectmen. Town Counsel is comfortable going ahead with the process. Taylor White said there is not a process in place, but the Committee could interview candidates and send a recommendation to the Board. The Board would then vote to appoint. There is a problem with this process as there are many candidates (8 candidates). Selectmen have asked the School Committee to do the interviews and recommend three to be interviewed by the Board for final appointment. Mr. DiGiacomo would like to send only one recommendation. Mr. Sampson said Town Meeting voted to follow Massachusetts General Law for the process, where the School Committee and Selectmen vote at the same time. He is suggesting scheduling a joint meeting to interview candidates and vote at the same meeting. This is an important position and Mr. DiGiacomo would like to see the process go forward quickly. Mr. Holden supported the proposal as being a reasonable compromise. Mr. Dunham added that whoever is at the joint meeting will be able to vote and there is no need to have a quorum. There will need to be a roll call vote.

**Mr. Sampson moved that the selection process for the school committee member be modified such that a joint meeting of the Selectmen and School Committee occurs with any candidates to be interviewed in public session followed by a roll call vote of all of the present members. Seconded by Mr. Holden. Approved unanimously by roll call vote.** The final vote would occur at the joint meeting. A joint meeting will be scheduled. Mr. Miller asked Ms. Harper if consistent questions needed to be asked of each candidate. It is also probable that the School Committee might have different questions. Questions could be sent to the candidates. Mr. George asked Mr. DiGiacomo about school arrangements during COVID-19. He is concerned about whether most students will wear a mask and that maybe beginning with all remote learning would be preferable until things quiet down. There will be a formal presentation at the next School Committee meeting; the State has said it wants three different plans in place. There was an extension until August 13 to have the plans ready, but the guidance changes daily. Dr. Gould has been in touch with the COVID team about health concerns. A remote option will be available to all students. If a student wanted to change the method of delivery, the parent would need to notify the School Department of the change. The School is trying to accommodate student and family preferences to the best of their ability. Students’ interests are a priority.
NEW BUSINESS

Execute Conservation Restriction – 0 Old County Rd. and 247 Old County Road: Mr. Dunham reported that there had been a change in how conservation restrictions are handled; it used to be that Town Meeting had to approve it, but now the Conservation Commission and the Board of Selectmen can execute the restriction. The Conservation Commission voted unanimously to approve the restriction. This is an expanded restriction related to land donated to the Compact by its owner, Mr. Parsegian. The map (enclosed) dates back to the 1950s. The property is primarily marsh, and the Cape Cod Compact of Conservation Trust worked with the Sandwich Conservation Trust to acquire the piece. Lot #1 would be buildable, but would be restricted. Mr. Hoctor asked if this would adversely affect abutters – no. Mr. Miller asked about public access – Lot 2, but not Lot 1. This is not Town conservation land, but is under the care and custody of the Sandwich Conservation Trust.

Mr. George moved to execute the conservation restriction at 0 Old County Rd. and 247 Old County Rd. as written and pending review by Town Counsel. Mr. Holden seconded. Approved unanimously by roll call vote.

Other New Business not Reasonably Anticipated: Mr. George has heard complaints from people on North Shore Boulevard about people gathering near the area, with the public overflowing onto private property. The Town will not enforce property boundaries. There is a sign on North Shore Blvd. and other signs have been ordered. Identifying the boundaries is not an exact science. Mr. George said that residents have been complaining about hundreds of people having parties and not social distancing, as well as crossing onto private property. He thinks boundaries should be better identified and that signs should remind people of the private beach nearby and to respect private property.

Mr. Hoctor asked about the size and scope of the coir rolls in front of private beach property and whether the Town would be putting sand near there. Mr. Dunham said that they need to comply with conservation conditions and that the renourishment would include that area, so long as the landowners agree to granting an easement to be signed after Corps’ approval of the job. The easement would be for governmental agencies, improvements to the work being done, and required scientific monitoring. Mr. Hoctor is concerned that if the taxpayers are paying for the sand, then the area should be accessible to taxpayers. Mr. Dunham explained that there is a boundary between private and Town owned property and there is beach in front of these properties for taxpayers, but there will not be access through the private properties. Mr. Riccio will come to a Board meeting when the report is finalized. The Board will need to push the federal delegation for the dredging piece.

PUBLIC FORUM

None.

CLOSING REMARKS

None.

ADJOURNMENT

Mr. George moved to adjourn the meeting. Mr. Hoctor seconded. The meeting was adjourned at 8:35 PM.
Respectfully submitted,

Susan James

Supporting Documents:
Entertainment License- 2 Jarves St. (3 pages)
Budget Information (7 pages)
Collaborative Lease (17 pages)
Land Development Agreement (2 pages)
School Committee Appointment (10 pages)
Conservation Restriction (24 pages)