MINUTES BOARD OF SELECTMEN MARCH 31, 2022
Town Hall, 130 Main Street, Sandwich, MA 02563
7:00 p.m.

Present: M. Miller, B. George, S. Hocket, C. Holden, D. Sampson (via Zoom)
G. Dunham, Town Manager

Mr. Miller opened the meeting at 7:00 PM.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Attorney Jonathan Fitch and Mr. Jay Stinson – the Selectmen will be asked to sign a letter to Mass Housing pertaining to the proposed Village Green project. He respectfully disagrees with the comments in the letter and the Board will receive a letter in response. Atty. Fitch represents Mr. Stinson and Mr. Ruhan. He read his response to be entered into the record. He asked that the Board not take any action tonight, as the letter contains inaccuracies and omissions. He called Mr. Jennings to arrange a meeting to discuss the taxes but his request was refused. When the property was in foreclosure it was due to the failure to pay taxes incurred by the former owner. He states that his client has paid current taxes when due and excess toward redeeming other subdivision lots. A large number have been redeemed. Some of the redeemed lots are missing certificates from the Town. He states that permits give added value to the properties with resulting higher tax revenue; he would like the permitting process to go forward. The Town shares some of the responsibilities to work in cooperation with private developers when considering affordable housing. The proposed letter could be misconstrued as an obstruction to affordable housing.

Jerry Atkins long time resident of Sagamore beach/Sandwich – on Monday he attended a Historic District Committee meeting because of a house that is going to be torn down and rebuilt and extended over to another lot. Members lacked professionalism, directiveness and attention to agenda items. Committee members need to follow Roberts rules, addressing comments to the Chair and not just speak out. The Chair didn’t have proper control of the meeting. Four people were present, and the Chair announced there would be no need for an alternate’s vote, so the alternate left the meeting. Then a member of the Committee left. If the Committee does not feel qualified to make a decision, it should be taken under advisement. A letter was received about an hour before the meeting to withdraw what was to be heard that evening, so that issue would not be discussed. This was not fair to people with projects expecting to be heard. Because members left before the meeting was done, there were only two present to vote so nothing could be accomplished. This is an important issue to the people on Phillips Rd. whether vacant lots that have always been vacant because they have thought to be unbuildable should be allowed to be developed.

Mr. Miller responded that this is being investigated.

REVIEW AND APPROVAL OF MINUTES

Mr. George moved to approve the minutes of March 17, 2022. Mr. Holden seconded. Approved unanimously by roll call vote.

TOWN MANAGER REPORT

1. The next meeting is in two weeks. The Finance Committee voted on everything on Tuesday.
2. We received notice from the DOT that they will be doing tree removal on the mid-Cape over the next two weeks
3. The DPW and Engineering are working on several intersections. The entrance to the Forestdale School might require easements. They are trying to work to get these ready for Town Meeting. We are working our way up the list for the shared use path on Service Road. Towns are required to pay 100% of
construction documents; we have signed a contract with a consultant for $500,000 to be taken out of Chapter 90 funds and possible grants. They are trying to do these quickly. The State will totally fund the project.

4. Planning office has received $15,000 from the Commission to help with sections of the LCP update. Previously the CPA had approved money for this purpose, so that approval will be reduced.

5. The State Community Compact and Regional Proficiency program was open. The Town served as the lead community with Barnstable, Falmouth, Bourne and Mashpee requesting $200,000 for looking at increasing disposal capacity on the Base. We got the full award, one of only four such awards in the State. The goal is to finish work by September 2023. If we want to use the Base for wastewater disposal the capacity must be increased. We are hoping, if we can connect to the Base, that funds will be available through the State Revolving Fund, which is a special portion of DEP that might give interest-free or 2% loans for wastewater infrastructure projects. There will be many groups interested in and will comment on this type of project. If approved for an SRF project, we might be eligible for Cape Cod Water Protection Trust fund money, which is a grant of 25% of the total principal cost. This would hold down expenses significantly. Additionally, there is an upcoming Zoom call with the Commissioner of DEP and people he has assigned from the SRF to try to answer the questions as to whether this can be covered by the SRF. The call will include Converge, Counsel and others.

6. On the agenda in two weeks. We approved money from CPA for the purchase of two contiguous properties off Meiggs Bakus Rd.; the State Conservation Trust was able to secure funding for 25% of the acquisition price. We are getting ready for the purchase and sale agreement State conservation trust acquired funds. The Board needs to approve the purchase and sale; the Town received it from Counsel today. We need to close before the end of June. Also, In Good Health has been going through merger/acquisition with other groups. In the host agreement with them it says that Selectmen would not unreasonably withhold a transfer. Town Counsel is working on that as well.

7. ARPA Funds – there is a difference of opinion between the Commission and the Assembly about the distribution of the funds. We have a Zoom with the Commissioners’ office to review what has to happen to apply for grants through the federal portal.

Questions/Comments Mr. Miller asked about disposal capacity at JBCC. There are about 250,000 to 400,000 gallons of existing capacity. Converge needs to analyze it when they take over control. There is the possibility for 750,000 gallons disposal near the infiltration beds, but far more than that would be needed if the towns were to access the base for disposal. This would require permitting and regulation changes; other agencies would also be involved with the process. We had hoped to make a decision this summer, but things are moving slowly. It would be a good decision in the long run financially if we can use the base. Mr. Hoctor asked about the Deacon Eldred House. Bids were opened on Monday and three bids were received, which were between $25,000 and $110,000. We want to look for who can do the work, what the plan will be and their capacity to do the work. There is a group of three people that will evaluate this and make a recommendation. There was a question as to whether the RFP addresses the access to Shawme Pond. Mr. Dunham will look. There is some progress with 100 Rte.6A and a possible move this summer.

CORRESPONDENCE/STATEMENTS/ANNOUNCEMENTS

Mr. Holden extends congratulations to Dr. Joseph Marusczak as he enters into negotiations for the new superintendent position and thanks to other candidates and to James Hardy from MASS. He also congratulates the boys’ hockey team for their win. Mr. Miller said that the screening committee was comprised of 11 parents, teachers and administrators; they narrowed the field from 21 to 3 candidates. Interviews were held via Zoom and he was very impressed with the process. The process for contract negotiations is standard throughout the State. Mr. George asked about the old police station. Materials have been delivered and we are waiting for some legal work. Mr. Sampson reminded everyone that the Board does not have authority over the Historic District Committee as they are in an elected role to serve the public. It is an adverse situation if people are not doing their job and they should resign if they cannot. Mr. Miller said if there is no hearing on a project within 45 days, a project can go forward. If any members resign, the Board can appoint a replacement to serve until the next election. Mr. Dunham said the Committee was established by a State special act; the most recent version is
2008-2009. The Board can appoint alternates to the Committee, but these must have approval from the Committee members. People are checking the dates from the applications, but otherwise there is not much the Board can do.

LIQUOR LICENSE PUBLIC HEARINGS
7:10 PM – Transfer of an Annual Off-Premises Wine and Malt Beverages Liquor License for ACKL LLC d/b/a The Brown Jug, 155 Main St., Chanda Marvel DiSanti, Proposed Manager
Mr. Miller read the hearing notice. Mr. Holden moved to open the public hearing. Mr. George seconded. Approved unanimously by roll call vote. Mr. Skehel and Ms. DiSanti are present. They state they want to continue the business the way it is. They are looking to do some new events. Mr. Dunham reported that checks are all set. Ms. DiSanti is tip certified. Mr. Sampson commented that Mr. Skehel is the 100% owner and wants to know what his time commitment would be as senior manager. Ms. DiSanti will be working 20 hours; Mr. Skehel will be managing the Brown Jug and will be a visible presence. No comments from the public. Mr. Holden moved to close the public hearing. Mr. George seconded. Approved unanimously by roll call vote.
Mr. Hoctor moved to approve the transfer of the Annual Off-Premises Wine and Malt Beverages Liquor License for ACKL LLC d/b/a The Brown Jug, 155 Main St., Chanda Marvel DiSanti proposed manager. Seconded by Mr. Holden. Approved unanimously by roll call vote.

7:20 PM – New Seasonal On-Premises All Alcoholic Beverages Liquor License for ACKL LLC d/b/a The Brown Jug, 1 Jarvis St., Chanda Marvel DiSanti, Proposed Manager
Mr. Miller read the hearing notice. Mr. Holden moved to open the public hearing. Mr. George seconded. Approved unanimously by roll call vote. This request is by the same parties as previously. Mr. Miller had a question about the layout. Mr. Skehel responded that everything will be the same as it has been. There were no questions from the public. Mr. Hoctor moved to close the public hearing. Mr. George seconded. Approved unanimously by roll call vote. Mr. Hoctor moved to approve the Seasonal On-Premises All Alcoholic Beverages Liquor License for ACKL LLC d/b/a The Brown Jug as presented. Seconded by Mr. Holden. Approved unanimously by roll call vote.

OLD BUSINESS
FY ’23 Budget and Annual Town Meeting Warrant
The Finance Committee supported all the financial articles. On the school debt exclusion, they ultimately supported what is proposed but asked that the school come back with more information about the Human Services building renovation. Enterprise fund numbers (#3) increased by the amount transferred. All other numbers have been filled in. Article 10 is new – marina budget for the current fiscal year, which is related to increased costs of fuel. They need $150,000 from the enterprise fund, which they will recoup from users. Mr. Hoctor moved to approve Article 10 as presented in regard to the marina transfer of $150,000. Mr. Holden seconded. Approved unanimously by roll call vote. Article 12 – granting easements to the ACOE for Section 111 and future canal dredging and also allow the Town to accept private easements. They want to get it done in May. Some of the language has changed slightly but is agreeable to all. We also might need to have DPW easements associated with Rte. 130 and Quaker Meetinghouse Rd. intersection work. Counsel is working on the language The Long-Range Plan has been updated and some projects added. The Chair will make brief comments about what is most important. The Warrant will be posted the morning after next meeting.

American Recovery Plan Act (ARPA) Funds Vote and Eligibility
About $1.1 million is to be received. There are some restrictions for the use of the funds, however towns reporting revenue loss of under $10 million have more flexibility for use. The Board needs to adopt the exemption of $10 million and authorize the Town Manager to expend the funds without further approval from the Board. These are primarily for Covid related expenses; the Board previously supported using up to $500,000 for high school wastewater connection, at least the line over the overpass. We need to report uses to the federal government. Mr. Hoctor moved that the Sandwich Board of Selectmen allocate all of the State and Local Fiscal recovery funds made available to the Town through the American Recovery Plan Act totaling $2,111,060 to replace revenue lost related to the COVID-19 pandemic, thereby making those funds
available to fund general government services and to do so by establishing the amount of the Town’s lost revenue under the “standard allowance” provision of the U.S. Treasury Department’s Final Rule governing the use of State and Local Fiscal Recovery Funds. The Board further authorizes the Town Manager to expend these funds allocated to replace lost revenue for government services as allowed by the Final Rule without further vote of the Board. Seconded by Mr. George. Approved unanimously by roll call vote. If the County gives the money back based on population – we would meet final rule and could use it for wastewater. If we have to go through an application process for them to award the money back, we would need to follow whatever the application says.

Select Board Meeting Schedule
The schedule shows dates through December. We are looking at a Monday for a fall town meeting that makes sense.

Other Matters Not Reasonably Anticipated for Old Business
Mr. Miller stated there has been a decision on the boardwalk related to the rail spacing. It was helpful to have the public present at the hearing. Mr. Hoctor reported that the Federal delegation send a letter to the ACOE move things along.

NEW BUSINESS

MassHousing Referral Letter, NSG Village Green-1 LLC
The letter is in the packet – this is a draft related to comments about the project. Mr. George suggests there be no action until all the taxes are paid. Mr. Dunham said that no previous payment plan has been followed. Mr. Hoctor said this is problematic because some taxes on previous parcels have been paid (the more valuable ones), but some have not. Mr. Sampson said we have spent significant time around this project. The public comment tonight appeared to be to delay, but by how much more time and will it make a difference. Circumstances have not changed for years. We shouldn’t allocate more time to these discussions. The listed items are more than a year past due. That is when the tax lien process has started. All property owners in similar circumstances are treated the same. Mr. Hoctor suggests it would be a significant cost to the Town to process this parcel by parcel. The current owners applied for state aid for 144 40B housing units, so the one thing they need to attest to is that taxes have been paid. This is a $50 million dollar project. Mr. Sampson moved to authorize transmission of the letter pending one final observation about taxes owed. If the amount is accurate, we send the letter. Seconded by Mr. Hoctor. Mr. George stated that they should give the $250,000 up front; then we will work with them. Motion approved 4 for, 1 against by roll call vote.

Seasonal Liquor License Approvals
The list is in the packet. Mr. Sampson moved to approve the list as presented. Mr. Hoctor seconded. Approved unanimously by roll call vote.

Cape Cod Commission Representative Reappointment – Harold Mitchell
Mr. Mitchell is here. He has served for Sandwich for 8 years, 6 years as chair of the Commission. The position involves six or seven meetings a month. Mr. Holden moved to reappoint Harold Mitchell as the Board’s representative to the Cape Cod Commission. Seconded by Mr. Hoctor. Approved unanimously. Mr. Sampson thanks Mr. Mitchell for his service.

Other Matters Not Reasonably Anticipated for new Business
None

PUBLIC COMMENT
Candy Thomson – stated that the Friends of the Boardwalk were happy to be at the hearing, even though not allowed to speak. One member said the application was filed under the wrong section of the code and could have been approved at the local level. GEIs application had to be amended. She is also happy the Board is
taking seriously what happened Monday night (the Historic District Committee meeting). After seeing that – why would anyone come here. She is not sure why the Chair dismissed two people for the vote.

Mr. Stinson – said they have paid every penny of taxes since they took over the property. They have paid on the defaulted taxes according to a plan devised with Bill Jennings - $10,000 every quarter before the pandemic, then they defaulted. The Town didn’t give certificates for the 12 parcels paid off. Mr. Fitch expressed disappointment in the discussion that the Board had. Yes, there is a tax situation, but Mr. Fitch stated he tried to meet to formalize the situation. Mr. Dunham referred to multiple written formal agreements that had not been followed – Mr. Stinson said he has never signed one. Mr. Fitch would like to see it.

Mary Foley – Chair of the Historic District Committee. She explained that two members walked out of the meeting. She commented on standard operating procedure – there are 5 fixed members and 2 alternates – if one fixed member is unable to attend, then one alternate would be appointed to assure the vote that evening. All are able to continue with discussion. The Committee had four in attendance – 3 regular and 1 alternate. This made a quorum, so she did not appoint the alternate. She wants to avoid tie votes if possible. There is a learning curve, but they try to minimize problems; they go by Massachusetts law.

CLOSING REMARKS

Mr. Miller stated that public officials need to know what their responsibilities are to the Town. If they are not interested, then they shouldn’t be on a committee. Mr. Hoctor encouraged the public to be informed voters.

ADJOURNMENT

Mr. Hoctor moved to adjourn. Mr. George seconded. Approved unanimously by roll call vote.
The meeting adjourned at 8:54 PM.

Note: Board of Selectmen meetings are recorded and available for viewing in their entirety on the Sandwich Community Television website: https://sandwichcommunitytv.org

Respectfully submitted,

Susan James

Supporting Documents:
Minutes (6 pager)
Public hearings (66 pages)
Budget (5 pages)
Warrant (36 pages)
Draft articles (2 pages)
ARPA (6 pages)
Meeting schedule (1 page)
Village Green (7 pages)
Seasonal licenses (1 page)
Commission reappointment (3 pages)