MINUTES BOARD OF SELECTMEN & FINANCE COMMITTEE
APRIL 14, 2022
Town Hall, 130 Main Street, Sandwich, MA 02563
7:00 p.m.

Present: M. Miller, B. George, S. Hoctor, C. Holden, D. Sampson
G. Dunham, Town Manager; Heather Harper, Assistant Town Manager
Others Present: N. Crossman, J. Shea, E. Collupy all from the Finance Committee; R. Vitacco, Director of Planning and Development; J. Nelson Schools Facilities Director

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT
None.

REVIEW AND APPROVAL OF MINUTES
Mr. Holden asked that there be a change on page two of the March 31 minutes: number of parents on the Superintendent Search Committee should be eleven and not thirteen. Mr. Holden moved to approve the minutes of March 31, 2022 with the requested change. Seconded by Mr. Hoctor. Approved unanimously.

TOWN MANAGER REPORT
1. The next Board meeting will be April 28, the last before Town Meeting. Mr. Dunham reminded people that the Town election will be on May 5th. Polls will be open from 7 AM to 8 PM.
2. The DPW usually does spring cleaning for a full week; this year it will be from April 16 to April 24. People can go to the DPW for equipment for neighborhood cleanup.
3. The Army National Guard is offering public tours of Camp Edwards April to October on Saturdays. Contact is on the website.
4. We received word that the Executive Office of Environmental Affairs as part of the review for construction documents issued a certificate for the boardwalk. We do not have to file an environmental impact report. This hopefully will speed up the permitting.
5. We have been notified by the DOR that the House released its budget. There is small movement in different areas but nothing important. It is surprising that the charter school assessments went up when enrollments are down. The Board asked that a letter be sent to the four charter schools Sandwich students attend. The head of Sturgis sent extensive information and he met with Mr. Dunham for about an hour. He is willing to give a tour of their facility in Hyannis. None of the schools are willing to come to a meeting but are willing to share information. The other three schools sent a joint email with links to their budget information.

Questions/Comments Mr. Miller asked about the 111 Study. We heard it had been approved by the North Atlantic division but have not seen anything directly back. Mr. George asked about the old police station. We just received the last shipment of supplies last week. We are in the process of soliciting proposals for the work and in the interim working on the license agreement. On April 27th we are having a Zoom with the Department of Environmental Protection to look at eligibility for wastewater at Joint Base Cape Cod and eligibility for State revolving funds. If they say no, we might have to go a different route. Mr. George congratulates the highway department for their work at 100 Rte. 6A. There is a large change order provided by the HVAC contractor, which we are now all satisfied with, so there is great progress.

CORRESPONDENCE/STATEMENTS/ANNOUNCEMENTS
Mr. Hoctor reported that he went to Boston and met with Senator Markey about the new bridge. Senator Warren and Representative Keating were represented as well. It looks as if the bridges will be replaced within 8 to 10 years.
LIQUOR LICENSE PUBLIC HEARINGS

7:10 PM Alteration of Premises. Farmer-Brewery Pouring Permit for Tree House Brewing Company Inc. 98 Town Neck Rd. & 3 Freeman Avenue, Damien L. Goudreau, Manager.

Mr. Miller read the hearing notice. Mr. Holden moved to open the public hearing. Mr. Hoctor seconded. Approved unanimously. Attorney Mark Borenstein and Sarah Morin were here on behalf of Tree House. Mr. Borenstein presented a slide show showing what they had done with the building. They are operating consistently in accordance with last year’s permit, both the interior and exterior. The alteration of premises request is to allow for pouring throughout a part of the premises that was formerly a storage closet. Otherwise, the permit is not changing, just providing additional options for customers. The request for the third-floor permitting has been withdrawn—still talking with the Building Commissioner about that. The hours are consistent with previous times: 11 AM to 11 PM, Noon to 11 PM on Sundays. The request for distilled spirits mandates that they be produced by Tree House. There are no architectural changes.

Kimberly Beland, an attorney representing three of the parties spoke in opposition to the applications for changes in operation—changes to the type of spirits and where they are being served. This is an expansion and people are concerned about this and the parking. What was included as parking formerly is now being used as an exterior beer garden. Tree House has been encouraging people to park at the canal and walk to the premises. There are traffic and safety concerns with the parking, and the residents are requesting the Board to provide further study when considering the change in the type of alcohol being served. Tree House is trying to attract new and increased numbers of patrons and a different clientele. They are paying $1.8 million to rent the property and relying wholly on public parking; they have done nothing to provide appropriate parking for the property.

Mr. Borenstein responded that they met with Mr. Brides to discuss possible change of use, but this was determined not to be a change in use. Parking is determined by the parking commissioner—but there are the same number of occupants. There have been no issues with the current use at the facility. They also met with the police. Tree House wants new people to come to Town. The rent is paid to principal owners of Tree House who also own the property. Mr. Dunham reported that all officials responded positively to Tree House’s requests.

Public Input Mr. Cobban asked what the parking plan is. The agreement with Tree House said there would be no parking within streets of the Town Neck area, but cars have been parked on Knott and Chadwell. He reported having spoken to a manager at Tree House and showed the map. He said he was told that Tree House cannot control where people park; these are public streets. Tree House responded that they have been working to identify parking and actively seeking to address the issue. This request is not an expansion that would change parking.

Mr. Arrighi stated he is not against the business, but it needs to have the parking plan. The adjacent public lot is full of Tree House people now and they will need to move for the Town use of the beach. He also mentioned that there are no vendors with food, and he thought they were supposed to have food. He suggests that Selectmen should insist on a parking plan before approving. Mr. Sampson responded that the Board does not have the authority to deny the application based on a parking plan. The agreement is between private parties and Tree House; the only obligation for the Town is to follow Town regulations relative to parking and to put up appropriate parking signs. Mr. Hoctor said that the Town cannot discriminate among who is parking where. Parking does not belong in the alcohol license discussion.

Mr. Dunham said that the ZBA gives the right to run the business as a pre-existing use and approved a special permit. The occupancy for Tree House is less than the previous occupancy was.

Ms. Morteo is very much opposed. Restaurants have not previously been a problem in that area, and she has always supported the businesses there. She feels that Tree House has negatively impacted the quality of life and the noise level is higher. It is curious that the parcel purchased for parking is used as a money-making beer garden. She wants them to succeed but not at the cost of interfering. They have rights, but neighbors have rights too.

Mr. Morteo is appalled that they are looking for expansion when they did not live up to what they told people they would do. The number of parking spaces does not reflect the occupancy numbers; this does not make sense. He has stated opposition to Tree House using the Town parking lot. He believes the Board is “back stepping” on what they agreed to last year.

Mr. Prado asked whether Tree House’s other two establishments are serving wine and liquor. There are pending applications now. He thinks that this is turning out to be a glorified barroom. This is a residential area and there is a safety factor of over-intoxicating people. He is also concerned about more traffic in an area where people walk up and down the street.
Mr. Bowe said he attended a meeting last summer outside of Tree House that talked about parking. He is also concerned about the rent and the number of sales required to meet the rent.

Mr. Sampson said he had not heard any comments about incidences with pouring of alcohol. If there are problems with parking, parking regulations can be established by the Town, but this issue is not applicable to the liquor license.

Ms. Fushi says they haven’t been open long, but they will lose parking starting Memorial Day and then they will use the streets. Beer is fine but bringing in other types of alcohol is very unsafe. People are coming in and out of the road very fast. She wants to know how many pours. The response was a similar number as the beer – one or the other. Mr. Miller said that so long as it was a restaurant hard liquor has been sold. If there is a problem with a violation, this needs to be reported, or if there is a problem with people parking on individuals’ property the police should be called. The Board’s job is to decide whether they can legally have the license, and this does not involve the parking.

Mr. George said for many years there have been other establishments on the property and they had a full liquor license; there were no problems and no complaints. He wonders why now with this business.

Mr. Sampson moved to close the public hearing. Mr. Hocor seconded. Approved unanimously. Mr. Hocor moved to approve the Alteration of Premises. Farmer-Brewery Pouring Permit for Tree House Brewing Company Inc. 98 Town Neck Rd. & 3 Freeman Avenue. Mr. Sampson seconded. Approved unanimously.

7:15 PM New Farmer-Distillery Pouring Permit for Tree House Brewing Company Inc. 98 Town Neck Rd. & 3 Freeman Avenue, Damien L. Goudreau, Manager.

Mr. Miller read the public hearing notice. Mr. Holden moved to open the public hearing. Seconded by Mr. Hocor. Approved unanimously. Attorney Borenstein reiterated that this request is for a pouring permit for the 150 square feet. There needs to be a distinct pouring area for spirits. Mr. Sampson asked the public for new comments only. There was a question as to whether the septic system is adequate for more drainage and additional patrons. Mr. Sampson responded that this is a Board of Health issue. Attorney Borenstein said the use of that property is in a commercial zone and is permitted by right. Mr. Sampson moved to close the public hearing. Mr. Hocor seconded. Approved unanimously. Mr. Hocor moved to approve a New Farmer-Distillery Pouring Permit for Tree House Brewing Company Inc. 98 Town Neck Rd. & 3 Freeman Avenue. Seconded by Mr. Sampson. Approved unanimously.

7:20 PM WITHDRAWN

7:25 PM Alteration of Premises Licensed under Section 19 C (n): to allow for the pouring of malt beverages, distilled spirits and wine throughout the licensed premises pursuant to Section 19 (H) for Tree House Brewing Company Inc. d/b/a Tree House Distillery and Tree House Farm and Fermentory, 98 Town Neck Rd. & 3 Freeman Avenue, Damien L. Goudreau, Manager.

Mr. Miller read the hearing notice. Mr. Holden moved to open the public hearing. Mr. Sampson seconded. Approved unanimously. Attorney Borenstein said that the reference to pouring of wine should be removed. Mr. Sampson moved to close the public hearing. Mr. George seconded. Approved unanimously. Mr. Sampson moved to approve the request from Tree House Brewing Company Inc. d/b/a Tree House Distillery and Tree House Farm and Fermentory, 98 Town Neck Rd. & 3 Freeman Avenue for Alteration of Premises. Mr. Holden seconded. Approved unanimously.

STAFF MEETING

David Noble, In Good Health – Amendment to Host Community Agreement for Change in Ownership

Mr. Noble notified the Board about a change of ownership. A provision in the host agreement basically says selectmen would not unreasonably withhold approval. Counsel looked at it and it has received approvals from the Cannabis Control Commission. The proposed change is described in the packet. They have found two successful business partners to come in and assist with expansion. This is a merger; they will contribute an additional store. This has created a new company. Mr. Noble will be in charge. There will be no change to the current establishment. Everyone has been vetted. The name of the new parent company is Canna United. In Good Health has not had any issues and there will be no change in the business model. Mr. Hocor moved to approve the amendment regarding change of ownership. Mr. Sampson seconded. Approved unanimously.

Jon Nelson, School Department Facilities Director – Update on Planned Human Services Building renovations

New figures have come in recently for the Human Services building renovation. Mr. Nelson distributed a handout of the existing floor plan that shows how the new reconfiguration will fit. Total project costs of $2,094,550 are from the project
estimator and include contingencies. The cost estimate is being reduced related to using existing equipment/furnishings, cutting some things out (e.g. tile walls in bathrooms), reducing HVAC numbers and using Town labor for the move; the electrical costs will remain the same (itemized cost breakdowns are in the agenda packet). There will be bidding with 3 alternate bids on a $1.4 million base. Mr. Hoctor commented that currently costs of materials are fluctuating and because it is a municipal project it must use prevailing wage, which makes it more expensive than if it were done privately. Mr. Collupy commented that the previous numbers showed a 3% contingency for all the projects; this project is at 3.5%, does that mean it is going to be 3.5% for all of the projects across the board? Mr. Nelson responded that each project has its own budget. They are trying to guess for years out; 8% should cover some cost escalation. Mr. Shea asked if alternate designs had been considered. Mr. Nelson said yes but all are similar. Why is the current footprint not conducive for the administration? The spaces are very small and we need larger spaces for offices. Ms. Crossman is concerned that this could come in way higher. What are we prepared to do if that is the case? Mr. Nelson responded that we would need to cut the scope for the inside, look at basement office space, parking lot work, and other miscellaneous items. The outside structure is pretty solid, but roof shingles need work; the foundation is solid. Mr. Collupy asked about the financing package, and if the sinking funds apply specifically to this project, or over all projects. Mr. Dunham explained that the motion will include transfers from the sinking fund and ESSER, which will reduce the total bond amount $13 million; it doesn’t specify which part of the project is applicable. Mr. George said many people are complaining about the high cost of this and wondered if there has been consideration to separating the article. Mr. Nelson responded that the School Committee presented it as a whole package. The ballot question has already been printed. If we sell buildings, we can transfer more from the sinking fund. Mr. Shea commented that the project is important but where money is going seems to be for the nice to have; he wondered if some items from other Town buildings could be used to reduce costs. Mr. Hoctor said that the costs are probably average estimates; we will know specifics when the design is done. Almost everything is a code issue. Mr. Sampson asked what the plan is for presenting this to Town Meeting. They are putting a presentation together. There will be an Open House at the High School at the end of the month to try to educate the public. Mr. Miller said they will need to answer to why it is so expensive. Mr. Dunham said that trying to find a permanent home for the administration takes money to get it done right. This is an ideal location; every move is a six-figure cost. This is not just for the Superintendent’s office it is for all central administration. Mr. Shea said that prioritization is important, and this project should not be first on the list. Mr. Collupy suggested that the presentation should mention savings in utilities or other things that could generate savings.

OLD BUSINESS

Review and Sign Annual town Meeting Warrant
The warrant is the same except an article has been drafted for easements for the intersection work.

Authorize Signing of Purchase and Sale for 297 & 300 Meiggs Backus Road
The money was voted last May and reduced in the fall by half because of a state grant. All the legal work has been approved. Mr. Hoctor moved to authorize the signing of the purchase and sales agreement for 297 & 300 Meiggs Backus Rd. Mr. Holden seconded. Approved unanimously.

Award of Sale of Property Located at 4 Water Street, Known as the “Deacon Eldred House” Pursuant to the Request for Proposals
Mr. Vitacco is present to answer questions. Ms. Harper said this is an important decision for the Town to approve care for restoration and maximum use of the property. The proposal is from a qualified group, Full Circle Homes LLC, that has done similar historic renovation. Their financial qualifications have been checked. They have agreed to features that provide security for the Town, such as right of first refusal if the owner wants to sell, protection of preservation and pond access. The property doesn’t transfer until approved by the preservation architect and the State. The use will be as a residential property. Mr. Vitacco reviewed the process of selection. Details of the decision for recommendation by the team can be viewed in the memo in the agenda packet. A lot of people displayed a passion for the house’s history. Ms. Harper complimented Mr. Vitacco and the team. She also thanked Mr. Hoctor for help reaching out and she appreciates the support of the Board. The next step is the purchase and sales and land development agreement. Mr. George verified that we still have access to the pond. There will be two easements one for maintenance and one for access. Mr. Sampson appreciates the efforts from all who responded. This is the right opportunity, as the Town could not be a good steward of the property. This will be positive for Sandwich. Mr. Sampson moved to award the sale of the property located at 4 Water St., known as the Deacon Eldred House, pursuant to the Town’s Request for Proposals to Full Circle.
Homes LLC for the sale price of $100,000 subject to the terms of the approval received March 23, 2022 and contingent upon a final approval of a purchase and sales agreement and land development agreement. Mr. Holden seconded. Approved unanimously.

Other Matters Not Reasonably Anticipated for Old Business
None

NEW BUSINESS

The Local Tavern and Grille – State Application for Keno License
If a business asks for a license and State approves, anyone who has concerns need to send a letter.

Other Matters Not Reasonably Anticipated for new Business
None.

PUBLIC COMMENT

Ed Collup thanks the Board for having Finance Committee be part of the meeting. He requests that the Board put the Green Community designation and Charter review on a future agenda.

CLOSING REMARKS

Mr. Holden said that there was a good discussion about roads in an 8th grade civics class that was attended by him, Mr. Dunham, Mr. Tilton and Mr. Jensen. The students participated for 45 minutes. On the 8th, the Knights Theater Company opens a production of Mama Mia; multiple talents of the students were all on display. There are two more opportunities to see them. He Zoomed in on the Cape and Islands Leadership Association – workplace safety, ARPA funds, water safety and housing were all on the agenda. The Bikeways and Pedestrian Committee met on Monday; a bike rodeo is planned for Sunday, May 1st 11:00 AM to 1:00 PM, in coordination with the Massachusetts Safe routes to Schools program. There was an announcement yesterday that Town officials and local volunteers will collaborate on a plan to identify the approximately 400 planks displaced by the January storm; these have been retrieved for storage at a secure location. A dedicated email address at boardwalk@sandwichmass.org for inquiries; there will not be a response until June but they welcome comments. Progress can be followed on the Sandwichmass website at www.sandwichmass.org, Please keep events in the Ukraine in thoughts and prayers.

Mr. Miller announced that the Cape Cod Canal Region Chamber of Commerce is presenting a program on substance use in the workplace for business owners. This will be on April 28th at 7:30 PM at Upper Cape Tech. Please RSVP 508-759-6000 ext. 11.

Mr. Sampson moved to convene an Executive Session - M.G.L. c.30A, §21(a) – The Chair declares that having an open position, as applicable:
Purpose #3: Collective Bargaining Strategy Clerical Union
Mr. Hocket seconded. Approved unanimously.

ADJOURNMENT

The meeting adjourned at 9:26 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:
Public Hearings (98 pages)
In Good Health (6 pages)
School Capital (9 pages)
Warrant (37 pages)
Meiggs Backus Property (8 pages)
Deacon Eldred House (5 pages)
Keno Application (3 pages)