



**AGENDA
BOARD OF SELECTMEN
MONDAY, OCTOBER 3, 2022
WAQUOIT MEETING ROOM
MASHPEE TOWN HALL
16 GREAT NECK ROAD NORTH
MASHPEE, MA 02649**

Broadcast Live on Local Cable Channel 18

Streamed Live on the Town of Mashpee Website: <https://www.mashpeema.gov/channel-18>

6:30 p.m. – Convene Meeting in Open Session

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MINUTES

Approval of the following:

- Monday, September 12, 2022 Regular and Executive Sessions;
- Monday September 19, 2022 Regular Session

APPOINTMENTS & HEARINGS

- Public Comment
- Discussion and Approval of the Following Applications:
 - Special Event: Season of Illumination: *Mashpee Chamber*
 - Temporary Sign Permit: Annual Psychic Fair: *Mashpee Boosters Club*
- DPW Director Catherine Laurent: Discussion and Approval of the Following:
 - Award of Contracts for Road Salt, Pre-Treated Salt and Agricultural By-Product:
Road Salt- Morton Salt, Inc.; Pre-Treated Salt- Morton Salt, Inc.; Agricultural By-Product- Safe Road Services
 - Fiscal Year 2023 Snow Plow Contractor Rates
- Water Quality Presentation: *Brian Howes - University of Massachusetts Dartmouth*

COMMUNICATIONS & CORRESPONDENCE

- Community Preservation Committee:
Public Hearing, Thursday, October 6, 2022 at 6:30 pm - Main Meeting Room - Mashpee Senior Center

NEW BUSINESS

- Town Manager Discussion Relative to Bowdoin Road
- Town Manager Discussion Relative to Harbor Management Committee
- Discussion and Approval of Re-establishing a Harbor Management Committee
- Town Manager Review of Open Meeting Law Complaint from Meredith Kilpatrick
- Discussion of Open Meeting Law Complaint from Mary LeClair with Regard to the September 12, 2022 Meeting of the Board of Selectmen; Vote to Authorize the Town Manager to Respond to Complaint

ADDITIONAL TOPICS

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

LIAISON REPORTS

TOWN MANAGER UPDATES

EXECUTIVE SESSION

ADJOURNMENT

MASHPEE TOWN CLERK
SEP 29 '22 AM 11:41



AGENDA
BOARD OF SELECTMEN
MONDAY, SEPTEMBER 12, 2022
WAQUOIT MEETING ROOM
MASHPEE TOWN HALL
16 GREAT NECK ROAD NORTH
MASHPEE, MA 02649

Broadcast Live on Local Cable Channel 18

Streamed Live on the Town of Mashpee Website: <https://www.mashpeema.gov/channel-18>

6:30 p.m. – Convene Meeting in Open Session

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MINUTES

Approval of the following: *Monday, August 22, 2022* Regular and Executive Sessions

APPOINTMENTS & HEARINGS

- Public Comment
- Discussion and Approval of the following Special Event Applications:
 - RUCK4HIT Not Your Ordinary Challenge Weekend, September 30 - October 2, 2022, 12 - 12 pm, Heritage Park
Nicole Spencer Heroes in Transition (Special Event and Temporary Sign Permit)
 - Orange Shirt Day, September 30, 2022, 4:30 - 7 pm, Mashpee Rotary: *Joanne Frye Mashpee Wampanoag Tribe*
- Discussion and Approval of Annual Proclamation: National Suicide Prevention Month:
Cape & Islands Suicide Prevention Coalition
- Discussion and Approval of Resignation: Council on Aging: *Marijo Gorney* (Term to Expire: June 30, 2023)

COMMUNICATIONS & CORRESPONDENCE

NEW BUSINESS

- Discussion of Adding/Removing/Amending Articles from the October 17, 2022 Annual Town Meeting Warrant:
 - Removal of Article 16 Chapter 172 (Wetland Bylaw Amendments) as per Conservation Agent's memo
 - Addition/Amendment to Article 10 (Floodplain Overlay) as per Town Planner's memo
 - Addition of Wastewater Phase II Construction Cost Estimate Using ARPA Funds Article

OLD BUSINESS

- Discussion, Action and Execution of the October 17, 2022 Annual Town Meeting Warrant

ADDITIONAL TOPICS

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

LIAISON REPORTS

TOWN MANAGER UPDATES

EXECUTIVE SESSION

Discuss Strategy Regarding Negotiations with Nonunion Personnel (Personnel Administration Plan) and the Following Collective Bargaining Units, where an Open Meeting May have a Detrimental Effect on the Bargaining Position of the Town:

- Mashpee Permanent Fire Fighters Association, International Association of Fire Fighters (IAFF) Local 2519;
- MASS. C.O.P., Local 324, Unit A – Patrol Officers and Detectives;
- MASS. C.O.P., Local 320, Unit B – Sergeants;
- MASS. C.O.P., Local 477, Unit C – Police Lieutenants
- Laborer's International Union of North America (LIUNA), MASS Public Employee's Local 1249, Administrator's Unit A – Administrators;
- Laborer's International Union of North America (LIUNA), MASS Public Employee's Local 1249, Administrator's Unit B – Administrators;
- Service Employees International Union (SEIU), AFL-CIO Local 888, Public Works Unit A;
- Service Employees International Union (SEIU), AFL-CIO Local 888, Public Works Unit B;
- Service Employees International Union (SEIU), Local 888, Clerical/Library/Dispatchers Chapter

ADJOURNMENT

Mashpee Select Board
Minutes
September 12, 2022

Present: Selectman David W. Weeden, Selectman John J. Cotton, Selectman Thomas F. O'Hara,
Selectman Carol A. Sherman
Town Manager Rodney C. Collins
Assistant Town Manager Wayne E. Taylor

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

Addition of Wastewater Phase II Construction Cost Estimate Using ARPA Funds Article:

It was announced an article proposed to be placed on the September 12, 2022 Select Board agenda to appropriate funds from the American Rescue Plan Act (ARPA), and to authorize the Sewer Commission to expend said funds was recommended for removal by Town Counsel as the appropriation is not required to go before Town Meeting.

Town Manager Rodney C. Collins briefly updated the Select Board and interested public on the status of the Wastewater Plan and proposed use of ARPA funds. Acting on the opinion received from Town Counsel, it is recommended the Select Board place the matter on the agenda at the next meeting for a detailed review of the intended course of progression with the Town's Wastewater Consultant.

The Select Board was in agreement to further review the Wastewater Plan at the next meeting.

MINUTES

Monday, August 22, 2022 Regular and Executive Sessions:

Motion made by Selectman Cotton to approve the Regular and Executive Session minutes of Monday, August 22, 2022 as presented.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 4-0.

Roll Call Vote:

| | | |
|-------------------------------|------------------------------|------------------------------|
| Selectman Weeden, yes | Selectman Cotton, yes | Selectman O'Hara, yes |
| Selectman Sherman, yes | Opposed, none | |

APPOINTMENTS & HEARINGS

Public Comment:

Ken Debrowski of 3 Great Field Landing commented on the proposed residential tax exemption noting it is assumed the Select Board would be making a decision regarding the implementation in October. Mr. Debrowski recommended the Board consider enacting a residential exemption of 35% explaining his rationale for the tax credit.

Mashpee Select Board
Minutes
September 12, 2022

APPOINTMENTS & HEARINGS

Public Comment: (continued)

Clayton Southworth, a resident of Willowbend Drive offered comment on the proposed Floodplain article proposed to prohibit the use of fill in all flood zones. Mr. Southworth related concern with regards to safety stating the new rules create an economic modification that would trickle-down to affect our livelihood. Mr. Southworth stated there are better things to protect property rights such as sewerage.

Karen Faulkner and Mary Waygan, members of the Planning Board signed up for Public Comment, but deferred as they would be making a presentation on Article 10 relative to the update of the flood zone provisions.

Michaela Columbo of Meadowbrook Drive read aloud a statement recognizing the extensive work of the Town Planner, Conservation Agent and Director of Natural Resources in putting together warrant articles to protect public safety and improve waterways. To recognize the productive and collaborative work of the Planning Board Mr. Columbo requested approval of Article 10 as it is written on the warrant asking the Board to act on the science and expertise of our employees.

Allan Isbitz resides on Fells Pond Road. He currently serves as Chair of the Affordable Housing Committee and recognized the presence of Noelle Pina the Vice-Chair at this meeting. Mr. Isbitz expressed his disappointment with regards to the appointment to fill the Affordable Housing Committee vacancy was taken off tonight's agenda. The Affordable Housing Committee was noted to have met to formalize their recommendation to the Select Board as this is an important step to fully address the needs of affordable housing. Mr. Isbitz indicated the Affordable Housing Committee voted unanimously 4-0 to recommend Gary Schuman in the best interest of the committee. Delaying this matter sends an inappropriate message that affordable housing is not the dire appropriate as it should be. Mr. Isbitz requested the Select Board place this matter on tonight's agenda.

Ken Marsters, Bayshore Drive commended on the proposed wetlands bylaw and regulations thereof regarding setbacks, buffer zones and naturally vegetated buffer strips. Mr. Marsters made note of the impact to existing homes and of many homeowners who are unaware of this change whose properties are mortgaged. This change would also impact to those in the construction industry. Mr. Marsters asked how many homes would be affected if there was change. And, if the Select Board would vote for this article if it effected their loved ones. Mr. Marsters requested the buffer remain as is.

Susan Dangel a resident of Cotuit Road stated her comments are mute based on the ARPA funding not being required for approval at the October Town Meeting. Ms. Dangel indicated with ARPA the Town has never had an abundance of funds. This is the time to fund wastewater, and the collaboration of all participants is the key.

Ms. Dangel also made note of the Mashpee Wakeby Pond Alliance event held last weekend. The town leadership at this event was worthy with many officials swimming the 2.5 mile course to support clean water.

In closing Ms. Dangel urged the Select Board update the 2011 Mashpee Blue Book for dissemination.

Mashpee Select Board
Minutes
September 12, 2022

APPOINTMENTS & HEARINGS

Public Comment: (continued)

Dunrobin Road resident Chuck Gasior indicated he personally allocated funding to allow for the purchase of a new and larger American flag for the Town of Mashpee in 2004. He further purchased a new flagpole and then two more for the State and Mashpee Wampanoag flags. All flown with dignity at the Mashpee Rotary.

A 4th flagpole was suggested to be flown at the Mashpee Rotary depicting the new Town Seal. With the Select Board's approval Mr. Gasior stated he would pay for this as well.

Marjorie Hecht indicated that most of us are not builders or developers, we just want to protect the environment. In her opinion it is mind boggling the Select Board would not support the floodplain article as it would protect many properties from flooding. Ms. Hecht urged the Select Board to protect the welfare of residents as well as the Mashpee environment.

Richard DeSorgher as resident of Shields Road highly commended the generous offer of Chuck Gasior stating the new Town Seal is very beautiful and it represents so much of Mashpee. A Town Seal flag could be flown and displayed at the Town's public buildings as well. Mr. DeSorgher indicated in 1985 the Mashpee Rotary was officially named Pine Tree Corner. Although increased signage poses safety issues, it may be possible to erect a wooden sign at the Rotary to depict the official name.

A resident of Riverview Avenue made note of the first Earth Day held in 1970. The Select Board was encouraged to be proactive to create a moratorium for all development in sensitive areas until sewerage is online. With federal and state funds available, it was recommended the Town hire a grant writer. This would greatly assist the Town needs.

Cotuit Bay Condominium resident Alexander Jackson stated the setbacks are inadequate for the wetlands. In moving forward, he is supportive of extending the setbacks along the wetlands. There is increased pollution with the cyano blooms in warming waters. There is a need to keep our waterways clean as it may take a long time to get the sewer into operation.

Discussion and Approval of the following Special Event Applications:

RUCK4HIT Not Your Ordinary Challenge Weekend, September 30 - October 2, 2022, 12 - 12 pm, Heritage Park Nicole Spencer Heroes in Transition (Special Event and Temporary Sign Permit):

In the absence of Nicole Spencer Cyndy Jones of Heroes in Transition was in attendance to request the Select Board approve a Special Event Application and Temporary Sign Permit for the Annual RUCK4HIT Not your Ordinary Challenge Weekend.

This is the largest fundraiser of the non-profit which assists Veterans on the Cape including Joint Base Cape Cod. Heroes in Transition is very grateful for the Town's support.

Mashpee Select Board
Minutes
September 12, 2022

APPOINTMENTS & HEARINGS

RUCK4HIT Not Your Ordinary Challenge Weekend, September 30 - October 2, 2022, 12 - 12 pm, Heritage Park Nicole Spencer Heroes in Transition (Special Event and Temporary Sign Permit): (continued)

The event is scheduled to be held on Friday September 30, 2022 through Sunday, October 2, 2022. With approval, Heritage Park is used as a base camp. No food preparation is proposed. It is expected 50+ persons would attend and take part in various activities.

Applicable regulatory agencies have signed off on the Special Event Application to include a Facilities Use Permit with stipulations imposed by the Department of Public Works.

Motion made by Selectman Sherman to approve the Special Event Application and Temporary Sign Permit Application of Heroes in Transition for the RUCK4HIT as presented.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 4-0.

Roll Call Vote:

| | | |
|-------------------------------|------------------------------|------------------------------|
| Selectman Weeden, yes | Selectman Cotton, yes | Selectman O'Hara, yes |
| Selectman Sherman, yes | Opposed, none | |

Orange Shirt Day, September 30, 2022, 4:30 - 7 pm, Mashpee Rotary: Joanne Frye Mashpee Wampanoag Tribe:

The Mashpee Select Board was in receipt of a new Special Event Application for the 1st Annual Truth & Reconciliation of Orange Shirt Day planned to be held on September 30, 2022. Mashpee Wampanoag Tribe members Joanne Frye and Nancy Rose were in attendance to review the intent of the project proposal.

Orange Shirt Day is noted to be observed annually on September 30, 2022 to honor Residential School Survivors and their families. It was initially envisioned as a way to keep the memories alive of the children who sadly lost their lives in the Williams Lake and Cariboo Region of British Columbia, Canada. It all began with one 6-year old child who wore an orange shirt to remember those who passed from Residential School abuse.

The Mashpee Public Schools are noted to be collaborating with the Tribe to honor this event by wearing orange shirts. Approximately 250 orange flags are planned to be placed at the Mashpee Rotary. Banners are proposed to be placed around the Rotary stating *Every Child Matters*.

Discussion followed with respect to this proposal in the matter of safety. The applicant, not fully aware of the Town's Sign Policy discussed the matter of signage with the Select Board as it relates to policy.

It was recommended the Mashpee Wampanoag Tribe work with the Town Manager acting under the authority of the Select Board to place the banners in a safe location and to enhance the placement of the signage to make the intent of the *Truth & Reconciliation of Orange Shirt Day* known in a conscience effort for awareness and to make the Town of Mashpee a better community.

Local business owner and former Selectman Ken Marsters offered the use of his facility Prime Homes located in the vicinity of the Rotary as a location for signage and flags as well as for parking behind the building.

Mashpee Select Board
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APPOINTMENTS & HEARINGS

Orange Shirt Day, September 30, 2022, 4:30 - 7 pm, Mashpee Rotary: Joanne Frye Mashpee Wampanoag Tribe:
(continued)

It is not known how many would attend the gathering/ceremony that will include native drumming and guest speakers on the outer parameter of the Mashpee Rotary with the permission of property owners. The Picnic Box located in the Rotary vicinity has offered parking for this event.

The Special Event Application has been approved by applicable regulatory agencies with stipulations required by the DPW and Fire Departments. It is requested the applicant remit an application for a Special Event Permit to include a Temporary Sign Permit next year to conform to Town of Mashpee Policies and Procedures.

Motion made by Selectman O'Hara to approve the Special Event Application and Temporary Sign Permit to the Mashpee Wampanoag Tribe to hold the Truth & Reconciliation Orange Shirt Day with the Town Manager acting under the authority of the Select Board as referenced.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 4-0.

Roll Call Vote:

| | | |
|-------------------------------|------------------------------|------------------------------|
| Selectman Weeden, yes | Selectman Cotton, yes | Selectman O'Hara, yes |
| Selectman Sherman, yes | Opposed, none | |

Discussion and Approval of Annual Proclamation: National Suicide Prevention Month:
Cape & Islands Suicide Prevention Coalition:

The National Suicide Prevention Month Proclamation was read aloud into the record.

Motion made by Selectman Cotton to proclaim the month of September 2022 as National Suicide Prevention Month in the Town of Mashpee.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 4-0.

Roll Call Vote:

| | | |
|-------------------------------|------------------------------|------------------------------|
| Selectman Weeden, yes | Selectman Cotton, yes | Selectman O'Hara, yes |
| Selectman Sherman, yes | Opposed, none | |

Discussion and Approval of Resignation: Council on Aging: Marijo Gorney (Term to Expire: June 30, 2023):

The Select Board was in receipt of a letter of resignation from Marijo Gorney from the Council on Aging.

Motion made by Selectman Sherman to accept the Resignation of Marijo Gorney from the Council on Aging with regret sending a letter of appreciation to Ms. Gorney for her service.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 4-0.

Roll Call Vote:

| | | |
|-------------------------------|------------------------------|------------------------------|
| Selectman Weeden, yes | Selectman Cotton, yes | Selectman O'Hara, yes |
| Selectman Sherman, yes | Opposed, none | |

Mashpee Select Board
Minutes
September 12, 2022

NEW BUSINESS

Discussion of Adding/Removing/Amending Articles from the October 17, 2022 Annual Town Meeting Warrant:

Removal of Article 16 Chapter 172 (Wetland Bylaw Amendments) as per Conservation Agent's memo:

Article 16, Page 18-25: Wetlands Bylaw

Recommendation to remove by Conservation Agent and Director of Natural Resources.

Motion made by Selectman Cotton to remove Article 16 as recommended.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 4-0.

Roll Call Vote:

| | | |
|------------------------|-----------------------|-----------------------|
| Selectman Weeden, yes | Selectman Cotton, yes | Selectman O'Hara, yes |
| Selectman Sherman, yes | Opposed, none | |

Addition/Amendment to Article 10 (Floodplain Overlay) as per Town Planner's memo:

Article 10, Page 6-12: Flood Plain

To repeal Floodplain Zone Provisions in its entirety and replace with new Article Floodplain Zone Overlay.

Mary Waygan and Karen Faulkner, Chair and Vice-Chair of the Planning Board were in attendance to review Article 10 in the absence of the Town Planner. An in-depth presentation prepared in written format by the Town Planner was reviewed in detail to consider the repeal and replacement of this article. It was disclosed the new article was submitted unanimously by the Planning Board. If the Floodplain Zone Overlay is passed it would replace the former bylaw in its entirety.

The new regulations as proposed are mostly administrative management for the Building and Conservation Departments. There are 537 policyholders in the National Flood Insurance Program in the Town of Mashpee. If the policyholders do not comply with the minimum NFIP requirements they could lose their flood insurance and jeopardize their mortgages.

Currently property owners in the floodplain can artificially raise the elevation of their lot to get out of the floodplain. The new Bylaw will not allow a property owner in a floodplain to raise and replace an existing home or construct a new home on a vacant lot by using fill. The use of fill in the flood plain will be prohibited.

It was noted the Floodplain Zone Overlay will eliminate costs associated with the response and cleanup of flooding conditions and reduce damage to public and private property resulting from flood waters.

Mashpee Select Board
Minutes
September 12, 2022

NEW BUSINESS

Addition/Amendment to Article 10 (Floodplain Overlay) as per Town Planner's memo: (continued)

Proposed additional language to §174.67.1 Exceptions to rule prohibiting the use of fill in any flood zone includes;

In the event of a septic system failure deemed by the Mashpee Board of Health to be an imminent health hazard necessitating repair/replacement consistent with the requirements of 310 CMR 15.000, landscape material necessary to achieve at least the minimum required separation distance to groundwater shall not be considered fill as regulated by §174.67 of this bylaw. Only the minimum amount of landscaping material necessary to upgrade the system and achieve compliance with 310 CMR 15.000 shall be exempt, all other proposed septic systems shall require a variance from the Zoning Board of Appeals consistent with §174.61.3 of this bylaw if there is inadequate distance to groundwater.

A resident of Kim Path requested clarification regarding what is necessary to retain the raised system such as wall systems the to alleviate collapse. It was agreed further clarification would be sought from the Town Planner.

Meredith Kilpatrick, Tracy Lane asked why the Town of Mashpee has to supersede the flood plain regulations. Why does the Town have to rush, using hand drawn plans. Ms. Kilpatrick requested to defer this article.

Paul Thurston, Popponesset indicated that fill in a flood zone is permitted by FEMA. Fill can be added in certain areas, and it is financially less costly. Flood insurance is detrimental to a lot of people including those with a mortgage. After further considering this approach Mr. Thurston recommended the Select Board remove the article deferring until the spring.

Discussion followed amongst the Select Board. Chairman Weeden recommended the Board vote to add the new language to §174.67.1 based on the Town Planner's memo to the original article.

Motion made by Selectman Cotton to amend original Article 10 to add language to the exceptions in §174.67.1 as per the Town Planner's memo.

Motion seconded by Selectman Sherman.

VOTE: 4-0. Motion carries.

Roll Call Vote:

| | | |
|------------------------|-----------------------|-----------------------|
| Selectman Weeden, yes | Selectman Cotton, yes | Selectman O'Hara, yes |
| Selectman Sherman, yes | Opposed, (0) | |

To gain a better understanding of the intent of Article 10 Selectman Sherman motioned as follows;

Motion made by Selectman Sherman to delay Article 10 to the May Town Meeting.

Motion seconded by Selectman O'Hara.

VOTE: 2-2. Motion does not carry.

Roll Call Vote:

| | | |
|------------------------|----------------------|-----------------------|
| Selectman Weeden, no | Selectman Cotton, no | Selectman O'Hara, yes |
| Selectman Sherman, yes | Opposed, (2) | |

Mashpee Select Board
Minutes
September 12, 2022

NEW BUSINESS

Addition/Amendment to Article 10 (Floodplain Overlay) as per Town Planner's memo: (continued)

Discussion followed with respect to deferring Article 10.

Ms. Waygan urged the Board to reconsider. The floodplain is an important resource that needs to be corrected. The Town of Mashpee is in a water crisis and residents would be able to fully understand the intent of this article by Town Meeting on October 17, 2022.

As discussion continued removing the wording "fill" under Prohibitions §174.67 was considered. It was noted with further understanding, and if necessary, the article can be amended on Town Meeting floor.

Motion made by Selectman Cotton to approve Article 10 with the removal of §174.67 "Prohibitions" and §174.67.1 "Exceptions".

Motion seconded by Selectman Sherman.

VOTE: 3-1. Motion carries.

Roll Call Vote:

| | | |
|-------------------------------|------------------------------|-----------------------------|
| Selectman Weeden, yes | Selectman Cotton, yes | Selectman O'Hara, no |
| Selectman Sherman, yes | Opposed, (1) | |

Motion made by Selectman Sherman to include and recommend Article 10 with the following amendments: removal of §174.67 "Prohibitions" and §174.67.1 "Exceptions".

Motion seconded by Selectman Cotton.

VOTE: 3-1. Motion carries.

Roll Call Vote:

| | | |
|-------------------------------|------------------------------|-----------------------------|
| Selectman Weeden, yes | Selectman Cotton, yes | Selectman O'Hara, no |
| Selectman Sherman, yes | Opposed, (1) | |

Article 7 – Page 3: Stormwater Management – Low Impact Development

This article would mandate the Stormwater Low Impact Design strategies be utilized whereas the current regulation merely encourages Stormwater Low Impact design strategies where practicable.

Low Impact Development (LID) is a series of practices that mimic or preserve natural drainage processes to manage stormwater by removing pollutants such as phosphorus, nitrogen and other contaminants. Examples include a rain garden and roadside swales constructed in public ways. LID practices typically retain rain water and encourage rain to soak into the ground rather than running off into ditches and storm drains.

A hand-out was prepared by the Town Planner and would be available to the public for additional review. Mary Waygan, Chair of the Planning Board indicated the vegetative swales and rain gardens are required under the Watershed Permit. Approval of this article would place Mashpee in the forefront. Ms. Waygan also stated The wording of this article was changed from encourage to: require as residents and businesses all need to contribute for clean water to make this happen.

Mashpee Select Board
Minutes
September 12, 2022

NEW BUSINESS

Discussion of Adding/Removing/Amending Articles from the October 17, 2022 Annual Town Meeting Warrant:

Article 7 – Page 3: Stormwater Management – Low Impact Development (continued)

Motion made by Selectman Sherman to include and recommend Article 7 with language as amended by Town Counsel.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 4-0.

Roll Call Vote:

| | | |
|-------------------------------|------------------------------|------------------------------|
| Selectman Weeden, yes | Selectman Cotton, yes | Selectman O'Hara, yes |
| Selectman Sherman, yes | Opposed, none | |

Article 8, Page 4: Stormwater Management – Low Impact Development

The article specified specific Low Impact Design requirements for the removal of nitrogen and phosphorous from stormwater at single and two family dwellings.

Motion made by Selectman Sherman to include and recommend Article 8 with language as amended by Town Counsel.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 4-0.

Roll Call Vote:

| | | |
|-------------------------------|------------------------------|------------------------------|
| Selectman Weeden, yes | Selectman Cotton, yes | Selectman O'Hara, yes |
| Selectman Sherman, yes | Opposed, none | |

Article 9, Page 4-6: Stormwater Management

The article specified specific Low Impact Design requirement for the removal of nitrogen and phosphorus from all lots that are not single and two family dwellings such as new subdivision roadways, commercial and industrial uses/buildings and multifamily residential, to include a minor reformatting of text.

Motion made by Selectman Sherman to include and recommend Article 9 with language as amended by Town Counsel.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 4-0.

Roll Call Vote:

| | | |
|-------------------------------|------------------------------|------------------------------|
| Selectman Weeden, yes | Selectman Cotton, yes | Selectman O'Hara, yes |
| Selectman Sherman, yes | Opposed, none | |

Mashpee Select Board
Minutes
September 12, 2022

NEW BUSINESS

Discussion of Adding/Removing/Amending Articles from the October 17, 2022 Annual Town Meeting Warrant:

Article 14, Page 16-17: Santuit Pond Ban

To approve an amendment to the Use of Waterways Bylaw to prohibit the use of motorboats within Santuit Pond to limit potential disturbance and resuspension of sediment into the water column to preserve water quality.

Motion made by Selectman Sherman to include and recommend Article 14 with language as amended by Town Counsel, and the addition of definitions.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 4-0.

Roll Call Vote:

| | | |
|-------------------------------|------------------------------|------------------------------|
| Selectman Weeden, yes | Selectman Cotton, yes | Selectman O'Hara, yes |
| Selectman Sherman, yes | Opposed, none | |

Article 15, Page 17: Mooring Regulations

To incorporate a fee structure for late payment. Town Counsel recommends removal of this article as this regulation change does not require Town Meeting action. Recommendation from Conservation Agent and Director of Natural Resources to remove.

Motion made by Selectman Sherman to remove Article 15 as recommended.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 4-0.

Roll Call Vote:

| | | |
|-------------------------------|------------------------------|------------------------------|
| Selectman Weeden, yes | Selectman Cotton, yes | Selectman O'Hara, yes |
| Selectman Sherman, yes | Opposed, none | |

Article 17, Page 25-26: Violations

Rules of the Road regarding vessel operation, from the high seas to inland rivers and waterways. Town Counsel recommends removal of this article as the regulation change does not require Town Meeting action.

Motion made by Selectman Sherman to remove Article 17 as recommended.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 4-0.

Roll Call Vote:

| | | |
|-------------------------------|------------------------------|------------------------------|
| Selectman Weeden, yes | Selectman Cotton, yes | Selectman O'Hara, yes |
| Selectman Sherman, yes | Opposed, none | |

Addition of Wastewater Phase II Construction Cost Estimate Using ARPA Funds Article:

As previously noted, the proposed article is not required to be placed on the warrant.

Mashpee Select Board
Minutes
September 12, 2022

OLD BUSINESS

Discussion, Action and Execution of the October 17, 2022 Annual Town Meeting Warrant:

Motion made by Selectman Sherman to approve and execute the October 17, 2022 Annual Town Meeting Warrant as amended.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Weeden, yes

Selectman Cotton, yes

Selectman O'Hara, yes

Selectman Sherman, yes

Opposed, none

ADDITIONAL TOPICS

It was suggested the Select Board place the Affordable Housing Committee vacancy on the agenda, a topic that was initially on the agenda, but removed.

Motion made by Selectman Cotton to place the Affordable Housing Committee vacancy on the agenda for discussion and possible vote.

Motion seconded by Selectman O'Hara.

There was no vote.

Chairman Weeden indicated it is the purview of the Select Board Chair to set the agenda. It is the recommendation of Selectman Weeden to defer any decision on this matter until there is a full voting quorum of the Select Board. It was also stated the Select Board has a lengthy agenda to conduct this evening.

Discussion followed regarding protocol. Town Manager Rodney C. Collins indicated he would refer this matter to legal counsel.

LIAISON REPORTS

Special Events: The Mashpee Chamber of Commerce is hosting Business After Hours at the Cahoon Museum on Wednesday starting at 5:30 p.m.

Three new businesses opened in the Town of Mashpee. Selectman Cotton attended the opening ceremonies for all three establishments on behalf of the Mashpee Select Board representing the Town of Mashpee.

TOWN MANAGER UPDATES

Wastewater Plan: It was announced the Department of Environmental Protection (DEP) submitted communication to the Town authorizing the award of contract to Robert B. Our of Harwich, MA, the lowest, responsive bidder for collection, and to Waterline Industries of Seabrook, NH for treatment.

The bidding and project schedule for Phase I will be further detailed at a future agenda.

Mashpee Select Board
Minutes
September 12, 2022

EXECUTIVE SESSION/ADJOURNMENT

Discuss Strategy Regarding Negotiations with Nonunion Personnel (Personnel Administration Plan) and the Following Collective Bargaining Units, where an Open Meeting May have a Detrimental Effect on the Bargaining Position of the Town:

Mashpee Permanent Fire Fighters Association, International Association of Fire Fighters (IAFF) Local 2519;

MASS. C.O.P., Local 324, Unit A – Patrol Officers and Detectives;

MASS. C.O.P., Local 320, Unit B – Sergeants;

MASS. C.O.P., Local 477, Unit C – Police Lieutenants

Laborer's International Union of North America (LIUNA), MASS Public Employee's Local 1249, Administrator's Unit A – Administrators;

Laborer's International Union of North America (LIUNA), MASS Public Employee's Local 1249, Administrator's Unit B – Administrators;

Service Employees International Union (SEIU), AFL-CIO Local 888, Public Works Unit A;

Service Employees International Union (SEIU), AFL-CIO Local 888, Public Works Unit B;

Service Employees International Union (SEIU), Local 888, Clerical/Library/Dispatchers Chapter

Selectman Cotton moved that the Board convene in Executive Session at 9:10 p.m. for the purpose of discussing strategy regarding negotiations with nonunion personnel relative to the Personnel Administration Plan and with the following collective bargaining units, where an Open Meeting may have a detrimental effect on the bargaining position of the Town:

Mashpee Permanent Fire Fighters Association, International Association of Fire Fighters (IAFF) Local 2519

MASS. C.O.P., Local 324, Unit A – Patrol Officers and Detectives;

MASS. C.O.P., Local 320, Unit B – Sergeants;

MASS. C.O.P., Local 477, Administrator's Unit C – Police Lieutenants

Laborer's International Union of North America (LIUNA), MASS Public Employee's Local 1249, Administrator's Unit A – Administrators;

Laborer's International Union of North America (LIUNA), MASS Public Employee's Local 1249, Administrator's Unit B – Administrators;

Service Employees International Union (SEIU), AFL-CIO Local 888, Public Works Unit A;

Service Employees International Union (SEIU), AFL-CIO Local 888, Public Works Unit B;

Service Employees International Union (SEIU), Local 888, Clerical/Library/Dispatchers Chapter

**The Motion was seconded by Selectman O'Hara.
from which the Board *will not* reconvene in Open Session.**

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Weeden, yes

Selectman Cotton, yes

Selectman O'Hara, yes

Selectman Sherman, yes

Opposed, none

Respectfully submitted,

Kathleen M. Soares

Secretary to the Select Board

Mashpee Select Board
Minutes-Executive Session
September 12, 2022

ADJOURNMENT

Motion made by Selectman Sherman to adjourn at 9:20 p.m.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Weeden, yes
Selectman Sherman, yes

Selectman Cotton, yes
Opposed, none

Selectman O'Hara, yes

Respectfully submitted,

Kathleen M. Soares
Secretary to the Select Board



AGENDA
BOARD OF SELECTMEN
MONDAY, SEPTEMBER 19, 2022
WAQUOIT MEETING ROOM
MASHPEE TOWN HALL
16 GREAT NECK ROAD NORTH
MASHPEE, MA 02649

Broadcast Live on Local Cable Channel 18

Streamed Live on the Town of Mashpee Website: <https://www.mashpeema.gov/channel-18>

6:30 p.m. – Convene Meeting in Open Session

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MINUTES

Approval of the following: Monday, September 12, 2022 Regular and Executive Sessions

APPOINTMENTS & HEARINGS

- **Public Comment**
- **Discussion and Approval of the following Special Event Applications:**
 - **Community Healing Event**, September 25, 2022 10 - 2 pm, Mashpee Community Park - *Donnajeane Lopez*
 - **Community Hiking Events**, Temporary Sign Permit - *Cindy Martin*
- **Discussion and Approval of the following Resignations:**
 - **Cultural Council: MaryKate O'Brien**, Member At-Large (Term Expires September 30, 2025)
 - **Board of Health: Kripani Patel**, Member At-Large (Term Expires June 30, 2023)
 - **Election Warden: Joseph Salvo**
 - **Waterways Commission: Don MacDonald**, Member At-Large (Term Expires Jun 30, 2024)
- **Discussion and Certification of the Hiring Process for the Health Agent: Zackary Seabury**
- **Wastewater Consultant Ray Jack:**
 - Update on Status of Wastewater Project – Phase 1
 - Update on Proposed Phase 2 - Notice of Project Change Process
 - Update on State Revolving Fund (SRF) / Project Evaluation Form (PEF) Request
- **Finance Director Dawn Thayer:**
 - Discussion and Approval of Expenditure of ARPA Funds for Phase I Mashpee Wastewater Project and Authorize the Town Manager to Execute all Documents with Regard to this Matter on Behalf of the Board
 - Discussion and Approval of Expenditure of ARPA Funds for "Notice of Project Change" Phase II Mashpee Wastewater Project and Authorize the Town Manager to Execute all Documents with Regard to this Matter on Behalf of the Board
- **Water Quality Presentation: Brian Howes - University of Massachusetts Dartmouth**
- **Department of Natural Resources Director Ashley Fisher**
 - Discussion and Approval of Shellfish "Seed" Donation from Ferris Development Group
 - Discussion and Approval of Formation of a Harbor Management Committee

COMMUNICATIONS & CORRESPONDENCE

NEW BUSINESS

- Discussion of Open Meeting Law Complaint from Meredith Kilpatrick with Regard to the September 12, 2022 Meeting of the Board of Selectmen; Vote to Authorize the Town Manager to Respond to Complaint

ADDITIONAL TOPICS

LIAISON REPORTS

TOWN MANAGER UPDATES

EXECUTIVE SESSION

ADJOURNMENT

Mashpee Select Board
Minutes
September 19, 2022

Present: Selectman David W. Weeden, Selectman John J. Cotton, Selectman Thomas F. O'Hara,
Selectman Carol A. Sherman
Town Manager Rodney C. Collins
Assistant Town Manager Wayne E. Taylor

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

MINUTES

Monday, September 12, 2022 Regular and Executive Sessions:

The minutes were deferred for further clarification.

Motion made by Selectman Sherman to defer approval of the September 12, 2022 minutes to the next meeting.
Motion seconded by Selectman Cotton.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Weeden, yes
Selectman Sherman, yes

Selectman Cotton, yes
Opposed, none

Selectman O'Hara, yes

APPOINTMENTS & HEARINGS

Public Comment:

Mashpee resident Marjorie Hecht voiced support for the protection of Mashpee waters from pollution and degradation. Clean water is a noted part of Mashpee's lifeblood, its culture and its economy. In Ms. Hecht's opinion, it is mind boggling the Select Board majority did not support the proposed amendment to restrict the amount of fill in a floodplain at their last meeting. Approval of this article would protect our residents from flooding and the degradation of our waters. As the Planning Board explained the passage of this article does not make lots unbuildable. It simply protects the property owners in the floodplain from construction caused flooding.

Ken Debrowski, 3 Great Field Landing further discussed the proposed residential tax exemption stating the process would shift the tax burden to non-residents, mostly second homeowners who have the ability to pay the residential tax.

Gregory McKelvey a resident of 11 Menemsha Road indicated he is a member of Finance Committee and a Select Board candidate. Mr. McKelvey stated he is pleased the ARPA funds would be moving forward to offset costs associated to Phase I and Phase II of the sewer/clean water project.

Mashpee Select Board
Minutes
September 19, 2022

APPOINTMENTS & HEARINGS

Discussion and Approval of the following Special Event Applications:

Community Healing Event, September 25, 2022 10 - 2 pm, Mashpee Community Park - Donnajean Lopez:

The Select Board met with Donnajean Lopez to review the Community Healing Event proposed to be held on Sunday, September 25, 2022 from 10:00 a.m. to 2:00 p.m. at the Mashpee Community Park. This is a fundraiser for the One Shared Spirit a 501c3 non-profit organization. Up to 75 persons are expected to attend.

Ms. Lopez indicated the event is planned in September as it is Recovery and Suicide Awareness month. By educating the public the One Shared Spirit is hoping to reduce the use of Opioid drugs, suicide and bring forth awareness. The community fair will allow for healing and support, the increase of networking as well as the intended vision to present a community that can band and work together.

All applicable regulatory departments have signed off on the application with stipulations imposed by the DPW.

Motion made by Selectman Sherman to approve the Special Event Application of the Community Healing Event, One Shared Spirit, Inc. on September 25, 2022 from 10:00 a.m. to 2:00 p.m. as presented.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Weeden, yes
Selectman Sherman, yes

Selectman Cotton, yes
Opposed, none

Selectman O'Hara, yes

Community Hiking Events, Temporary Sign Permit - Cindy Martin:

The Select Board received a modification relative to the Temporary Sign Permit Application for the Community Hiking Events requesting a total of (9) signs to announce the events instead of (3). The events sponsored by the Christ the King Parish are planned to be held on October 15, 2022 and on November 19, 2022. The signs would be in place on Wednesday, October 5, 2022 through Monday, October 10, 2022.

Motion made by Selectman Sherman to approve the Modification of the Temporary Sign Permit Application for the Community Hiking Events as referenced with the amendment for 9 signs instead of 3.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Weeden, yes
Selectman Sherman, yes

Selectman Cotton, yes
Opposed, none

Selectman O'Hara, yes

Mashpee Select Board
Minutes
September 19, 2022

APPOINTMENTS & HEARINGS

Discussion and Approval of the following Resignations:

Cultural Council: MaryKate O'Brien, Member At-Large (Term Expires September 30, 2025):

A letter of resignation was received from MaryKate O'Brien dated August 24, 2022 resigning from the Mashpee Cultural Council effective immediately.

Motion made by Selectman Sherman to accept the resignation of MaryKate O'Brien from the Cultural Council with regret sending a letter of appreciation to Ms. O'Brien for her support to the Town of Mashpee.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Weeden, yes

Selectman Cotton, yes

Selectman O'Hara, yes

Selectman Sherman, yes

Opposed, none

Board of Health: Kripani Patel, Member At-Large (Term Expires June 30, 2023):

Kripani Patel submitted a letter of resignation dated August 3, 2022 from the Board of Health effective August 19, 2022.

Motion made by Selectman Sherman to accept the resignation of Kripani Patel from the Board of Health as a Member At-Large with regret sending a letter of appreciation to Ms. Patel for her support to the Town of Mashpee.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Weeden, yes

Selectman Cotton, yes

Selectman O'Hara, yes

Selectman Sherman, yes

Opposed, none

Election Warden: Joseph Salvo:

Correspondence was received from Deborah F. Kaye; Town Clerk dated August 26, 2022 announcing the resignation of Joseph Salvo effective immediately. Mr. Salvo served as an Election Warden since May of 2015.

Motion made by Selectman Sherman to accept the resignation of Joseph Salvo as an Election Warden with regret sending a letter of appreciation to Mr. Salvo for his support to the Town of Mashpee.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Weeden, yes

Selectman Cotton, yes

Selectman O'Hara, yes

Selectman Sherman, yes

Opposed, none

Mashpee Select Board
Minutes
September 19, 2022

Waterways Commission: Don MacDonald, Member At-Large (Term Expires June 30, 2024):

Communication was received from Don MacDonald dated September 9, 2022 resigning from the Waterways Commission as a Member At-Large effective September 15, 2022.

Motion made by Selectman Sherman to accept the resignation of Don MacDonald from the Waterways Commission as a Member At-Large with regret sending a letter of appreciation to Mr. McDonald for his support to the Town of Mashpee.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Weeden, yes
Selectman Sherman, yes

Selectman Cotton, yes
Opposed, none

Selectman O'Hara, yes

Discussion and Certification of the Hiring Process for the Health Agent: Zackary Seabury:

Town Manager Rodney C. Collins respectfully requested the Board certify and confirm the Hiring Process of Zachary Seabury as Health Agent affirming all procedures relative to this process are in compliance. Additional correspondence was received from Brian Baumgaertel; Board of Health Chair dated August 15, 2022 recommending this appointment.

The hiring panel interviewed two candidates for this position. It was unanimously and enthusiastically recommended the Select Board confirm and certify the appointment of Zachary Seabury to this position.

Motion made by Selectman Sherman to certify and confirm the Hiring Process relative to the appointment of Zackary Seabury as Health Agent.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Weeden, yes
Selectman Sherman, yes

Selectman Cotton, yes
Opposed, none

Selectman O'Hara, yes

Mashpee Select Board
Minutes
September 19, 2022

Wastewater Consultant Ray Jack:

Update on Status of Wastewater Project – Phase 1:

Update on Proposed Phase 2 - Notice of Project Change Process:

Update on State Revolving Fund (SRF) / Project Evaluation Form (PEF) Request:

Raymond A. Jack the Town's Wastewater Coordinator gave an update on the status of Phase I which consists of (3) construction contracts.

Contract #1 – Water Resource Recovery Facility

Contract #2 – Wastewater Collection System North

Contract #3 – Wastewater Collection System South.

The bid process has been completed, and the Town is now entering in the contract execution phase which must be completed by September 30, 2022.

Mr. Jack indicated the contracts came in high, \$8 million over the estimate. At this time, the Town can only award the base bids due to funding limitations. The use of ARPA funds is recommended to install the remaining process tanks. Mr. Jack indicated if the alternates are delayed there is a high cost risk that would require extensive construction and excavation affecting the integrity of the new treatment plant. The additional process tanks will allow for future capacity at the treatment facility.

The base bids include two process tanks, \$26.727 million

Alternate 1 – Carbon Scrubber \$280,000 (Odor control polish unit, a necessary secondary odor unit)

Alternate 2 – Two additional process tanks \$956,000

Alternate 3 cannot be awarded as a result of insufficient funds.

Alternate 3 consists of the remaining 4 tanks, \$1.676 million.

The recommended solution under Contract 1 recommends the following utilization of ARPA funds;

ARPA County Funds: 657,653.41 (Requirement to dedicate funds for Phase I only)

ARPA Federal (local) Funds - \$694,196.59

Existing Appropriation - \$325,000 (Remainder of funds from the initial \$54 million appropriation)

Total: \$1,676,850 - This equals the cost of installing the 4 additional tanks, and includes a 5% contingency.

This process has been endorsed by the Sewer Commission and recommended for approval by the Finance Director, Treasurer/Tax Collector and by Ray Jack, the Wastewater Coordinator.

Mr. Jack indicated the Collection Systems consist of Contract #2 North and Contract #3 South. Due to funding limitations there are insufficient funds to complete the alternates associated to these contracts. Contract #2 alternates include 43 residential homes. Contract #3 includes 57 homes. This brings forth a total of 100 homes removed from a total of 439 homes in Contract #2 and #3. The value of the alternates is approximately \$8 million.

Mashpee Select Board
Minutes
September 19, 2022

Wastewater Consultant Ray Jack: (continued)

Update on Status of Wastewater Project – Phase 1:

Update on Proposed Phase 2 - Notice of Project Change Process:

Update on State Revolving Fund (SRF) / Project Evaluation Form (PEF) Request:

The solution is the State Revolving Fund (SRF) to include the Project Evaluation Form (PEF) which has been submitted to DEP as a placeholder for consideration to complete all roads in the collection systems contract.

It was noted the Project Evaluation Form (PEF) was filed with the state under the SRF program in August as a non-binding placeholder. The request is for \$12 million to cover the alternates and roads. Unanticipated costs include a 9% inflation rate and supply chain issues. With an uncertain economy \$12 million is requested to cover the alternates currently estimated at \$8 million.

In January, eligible projects would be identified by the state and Mashpee would be notified of eligibility. It is assumed Mashpee would be selected for additional funding favorably.

In proposed Phase II, the Notice of Project Change Process (NOPC) is required as part of the Town's Comprehensive Watershed Nitrogen Management Plan. Phase II includes;

- 2A – Mashpee Neck Road/Pirates Cove
- 2B – East Main/Santuit Pond Area
- 2C – West Main/Mashpee Pond Area
- 2D – Santuit Pond East
- 2F - Sandlewood

The NOPC is required by the MEPA certificate. It reevaluates the existing plan and incorporates the Adaptive Management Approach. This includes shellfish propagation efficacy, the evaluation of sewerage, stormwater management, and fertilizer management. The approach revises phasing as necessary. This will provide cost estimates for all Phase II Areas to allow for financial planning, operations and capital.

Phase II planning also allows for I/A and Title V approaches. The NOPC is the intent of the proposed Town Meeting article for wastewater. The recommended use of ARPA County Funds for NOPC is \$250,000

Proposed contract values include;

Contract #1 - \$27,905,000 (Base bid, with scrubber and 2 tanks)

Contract #2 North - \$5,024,198.10 (Base bid only)

Contract #3 South - \$9,806,731 (Base bid with wet well coating, lift station)

Total ARPA funds, County/Federal (local) and Existing Appropriation: \$1,676,850

With the additional tanks, capacity through Phase II would be achieved. At this time, the 100 residential homes will be temporarily excluded and may be considered as a change order. Contracts are secure for two years, and with negotiation and potential ARPA and/or SRF funding the residential homes would be added to the scope.

The Select Board voiced support to the proposal.

Mashpee Select Board
Minutes
September 19, 2022

Finance Director Dawn Thayer:

Discussion and Approval of Expenditure of ARPA Funds for Phase I Mashpee Wastewater Project and Authorize the Town Manager to Execute all Documents with Regard to this Matter on Behalf of the Board:

The Select Board met with Dawn Thayer, the Finance Director to further review the expenditure of ARPA funds for Phase I to include Alternate #3 related to the construction of additional tanks at the wastewater treatment facility, a critical component of the project.

ARPA funds do not require Town Meeting authorization to expend those funds.

The funding of the tanks as previously noted for Phase I Alternate #3 would be funded from the following sources;

\$325,000 from the remaining appropriation of \$54 million
\$657,653.41 received from Barnstable County ARPA Funds
\$694,196.59 received directly from Federal (local) ARPA Funds

Motion made by Selectman Sherman to authorize the use of Barnstable County ARPA Funds in the amount of \$657,653.41, and the use of Federal (local) ARPA Funds in the amount of \$694,196.59, for Phase I Alternate #3 as outlined; authorizing the Town Manager to execute all documents with regards to this matter as authorized by the Mashpee Select Board.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 4-0.

Roll Call Vote:

**Selectman Weeden, yes
Selectman Sherman, yes**

**Selectman Cotton, yes
Opposed, none**

Selectman O'Hara, yes

Discussion and Approval of Expenditure of ARPA Funds for "Notice of Project Change" Phase II Mashpee Wastewater Project and Authorize the Town Manager to Execute all Documents with Regard to this Matter on Behalf of the Board:

Regarding the proposed Phase II Wastewater Project it was determined after consultation with the Wastewater Coordinator that utilizing a portion of the ARPA funds received directly by the Town to fund a Notice of Project Change (NOPC) would be an appropriate use of said funds. The cost is \$250,000.

Motion seconded by Selectman Cotton to authorize the use of Federal (local) ARPA Funds in the amount of \$250,000 to fund a Notice of Project Change of the proposed Phase II Wastewater Project, authorizing the Town Manager to execute all documents with regards to this matter as authorized by the Select Board.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 4-0.

Roll Call Vote:

**Selectman Weeden, yes
Selectman Sherman, yes**

**Selectman Cotton, yes
Opposed, none**

Selectman O'Hara, yes

\$545,132.27 would remain in ARPA funding for future use.

Mashpee Select Board
Minutes
September 19, 2022

APPOINTMENTS & HEARINGS

Water Quality Presentation: Brian Howes - University of Massachusetts Dartmouth:

The above referenced agenda topic was deferred to the next meeting.

Department of Natural Resources Director Ashley Fisher:

Discussion and Approval of Shellfish "Seed" Donation from Ferris Development Group:

The Department of Natural Resources received a donation letter and check in the amount of \$3,350 from a resident who wishes to use the funds to directly support the Shellfish Propagation program by purchasing additional seedlings.

The gift is without any compulsion or "quid pro quo" exchange of consideration. Town Counsel has advised the Town may accept gifts of funds from an individual upon approval of the Select Board, with said funds to be deposited with the Treasurer, held in a separate account for the purpose specified by the donor, and may thereafter be expended by the Town, officer or department receiving the gift without further appropriation.

As discussion followed it was not determined if the donation was gifted by an individual or business entity.

Motion made by Selectman Cotton to approve and accept the Shellfish "Seed" Donation in the amount of \$3,350 to support Shellfish/Natural Resources propagation pending an opinion from Town Counsel if it is preferable to receive the donation as a personal donation rather than a development group.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 4-0.

Roll Call Vote:

**Selectman Weeden, yes
Selectman Sherman, yes**

**Selectman Cotton, yes
Opposed, none**

Selectman O'Hara, yes

The Select Board indicated they would revisit this matter if the donation was to be received from a business entity.

Discussion and Approval of Formation of a Harbor Management Committee:

It was announced the Department of Natural Resources has received a grant from the Economic Seaport council to fund a Harbor Management Plan for the Town of Mashpee. A benchmark for this program is to form a Harbor Management Committee.

The following membership was considered;

Planning Board (1)

Waterways Commission (1)

Shellfish Commission (1)

Conservation Commission (1)

Wampanoag Tribe (1)

Commercial Waterways Interests (2)

Mashpee Select Board

Mashpee Select Board
Minutes
September 19, 2022

Discussion and Approval of Formation of a Harbor Management Committee: (continued)

Two letters of interest were received, however, it was not known if the Commercial Waterways Interests were advertised seeking membership. It was agreed this matter would be verified and posted if required.

Motion made by Selectman Cotton to table this agenda topic to the next meeting.

Motion seconded by Selectman O'Hara.

Roll Call Vote:

**Selectman Weeden, yes
Selectman Sherman, yes**

**Selectman Cotton, yes
Opposed, none**

Selectman O'Hara, yes

NEW BUSINESS

Discussion of Open Meeting Law Complaint from Meredith Kilpatrick with Regard to the September 12, 2022 Meeting of the Board of Selectmen: Vote to Authorize the Town Manager to Respond to Complaint:

The Town of Mashpee received an Open Meeting Law Complaint with regards to its Select Board meeting of September 12, 2022. The procedure was reviewed by the Town Manager.

Motion made by Selectman Cotton to authorize the Town Manager through Town Counsel to respond to the Open Meeting Law complaint.

Motion seconded by Selectman O'Hara.

Roll Call Vote:

**Selectman Weeden, yes
Selectman Sherman, yes**

**Selectman Cotton, yes
Opposed, none**

Selectman O'Hara, yes

LIAISON REPORTS

Mashpee Chamber of Commerce: The Chamber is seeking to create a new logo. Submissions may be submitted to info@mashpeechamber.com.

TOWN MANAGER UPDATES

The Surplus Auction generated \$14,600 to the General Fund

Mashpee Select Board
Minutes
September 19, 2022

ADJOURNMENT

Motion made by Selectman Cotton to adjourn at 8:33 p.m.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 4-0.

Roll Call Vote:

**Selectman Weeden, yes
Selectman Sherman, yes**

**Selectman Cotton, yes
Opposed, none**

Selectman O'Hara, yes

Respectfully submitted,

Kathleen M. Soares
Secretary to the Select Board



TOWN OF MASHPEE


OFFICE OF THE SELECT BOARD

16 Great Neck Road North
Mashpee, Massachusetts 02649
Telephone – (508) 539-1401
bos@mashpeema.gov

MEMORANDUM

Date: September 29, 2022

To: Rodney C. Collins, Town Manager and
Honorable Members of the Board of Selectmen

From: Stephanie A. Coleman, Administrative Secretary 

Re: Special Event Application - Mashpee Chamber of Commerce Annual Christmas Parade & Season of Illumination

Description

Discussion of the Special Event Application for the Mashpee Chamber of Commerce Christmas Parade and Season of Illumination taking place Saturday, December 10, 2022 (December 11th rain date) from 5:30 pm to 7:30 pm.

Background

The Mashpee Chamber of Commerce Annual Christmas Parade will take place within the Mashpee Commons. The Parade route will begin at Steeple Street between the Mashpee Commons Green and Public Library at 5:30 PM, travel through the Mashpee Commons and end on Job's Fishing Road. The applicant would like to request use of the Mashpee Library for participation check in. Mashpee Commons will be assisting with road closures/ road blocks. The applicant expects 600 – 800 people to participate and attend. No food will be served. The streets the applicant has listed for closure are on Mashpee Commons Property.

The lights at the Mashpee rotary will be put up after November 24th and will remain illuminated every evening until January 1, 2023.

Recommendations

Health – Approved. No comments

Building – Approved. No comments

DPW – Approved. Use of the Mashpee Library requires the approval of the Library Director. If Steeple Street will be closed to traffic before 5 pm, this closure will also need to be coordinated with the Library Director (the Library is open on Saturdays until 5 pm). The applicant should contact the DPW directly to coordinate assistance requested for the event (traffic barrels for road closure or similar).

Fire – Approved. No comments

Police – Approved. Officers for this event will be assign to various post at the parade utilizing the Police Department budget.

The Mashpee Chamber of Commerce Annual Christmas Parade and Season of Illumination

The Mashpee Chamber of Commerce is excited to announce the return of the Mashpee Chamber's night-time illuminated Christmas Parade. Along with the spectacular lights displayed at the Mashpee Rotary, the illuminated Christmas parade is a holiday tradition in Mashpee every year. The rotary lights are turned on the day after Thanksgiving with a countdown at Mashpee Commons amidst special festivities including carolers, visits from Santa and more. The lights turn on every evening through the New Year.

SPECIAL EVENT PERMIT APPLICATION

Application packet must be received no later than **45 days prior to the event.**

APPLICATION DETAILS

| | | | | | | | |
|--------------|---------------------|----------------|-------------|------------|--|------------|--|
| Application | <i>SE-22-111698</i> | Date Issued: | | Permit #: | | Date Paid: | |
| Fee Payable: | <i>0.00</i> | Fee Paid: (\$) | <i>0.00</i> | Receipt #: | | | |

SECTION 1 - SITE INFORMATION

| | | | |
|---------------|-------------------|---------------|----------------|
| Street Name | <i>STEEPLE ST</i> | Map Block Lot | <i>74-0-31</i> |
| Street Number | <i>64</i> | Zone | <i>C1</i> |
| Unit No. | | | |

SECTION 2 - BUSINESS OWNER INFORMATION

| | | | | | |
|---------------------|------------------------------------|-------------|-----------------------------------|----------|--------------|
| Business Owner Name | <i>MASHPEE CHAMBER OF COMMERCE</i> | | | | |
| Street Number | <i>22</i> | Street Name | <i>Steeple Street</i> | | |
| City | <i>MASHPEE</i> | State | <i>MA</i> | Zip Code | <i>02649</i> |
| Telephone | <i>508-477-5400</i> | Email | <i>krysten@mashpeecommons.com</i> | | |

SECTION 3 - APPLICANT INFORMATION

| | | | | | |
|--------------------|------------------------------------|-------------|--------------------------------|----------|--------------|
| Applicant Name | <i>Mashpee Chamber of Commerce</i> | | | | |
| Street Number | <i>13</i> | Street Name | <i>Steeple Street</i> | | |
| City | <i>Mashpee</i> | State | <i>Massachusetts</i> | Zip Code | <i>02649</i> |
| Business Telephone | <i>508-477-0792</i> | Email | <i>info@mashpeechamber.com</i> | | |

SECTION 4 - MAILING ADDRESS

| | | | |
|---------------|--------------------|-------------|-----------|
| Street Number | <i>PO Box 1245</i> | Street Name | |
| City | <i>Mashpee</i> | State | <i>MA</i> |

Code

02047

Telephone

SECTION 5 - PRIMARY CONTACT INFORMATION

Primary Contact Name *Mashpee Chamber of Commerce*

Non-Profit Organization /
Event

☐

Yes

☐

No

Day Phone *508-477-0792*

Email *info@mashpeechamber.com*

Cell Phone *774-722-0905*

Website *mashpeechamber.com*

SECTION 6 - EVENT INFORMATION

Event Name *Mashpee Chamber Christmas Parade*

Event Producer *Mashpee Chamber*

Physical location if no
address and description
area being used

Throughout Mashpee Commons - beginning at Mashpee Commons Green across from Mashpee Public Library, weaving throughout Commons, ending/exiting on Market Street Extension for participants to turn onto Job's Fishing to exit event.

Starting Date *12/10/22* Time *5:30 PM* Ending Date *12/10/22* Time *7:30pm*

Estimated Attendance
Expected *600 - 800 participants*

Rain Plan *Rain date Sunday, 12-12-2021 same time/location*

What streets to be
closed for special event

Steeple Street, Market Street, North Street, Green Street, Fountain Street - all within Mashpee Commons

Summary of Event - Please describe in full detail the special features of the event within the box below. After application is submitted, you may attach flyer to your application from the home page.

The Mashpee Chamber of Commerce's 15th Annual Mashpee Chamber Christmas Parade will take place within Mashpee Commons with the parade beginning on Steeple Street between the Mashpee Commons Green and Public Library at 5:00 pm on Saturday, December 10th. Rain date Sunday, December 11th. Parade participants will organize/line-up around the Mashpee Commons green. Request to use the library meeting room for participation check in requested of the library by parade committee. Mashpee Commons will assist with roadblocks/closures. Theme for this year's parade is "A Time to Celebrate".

Applicant to confirm they are applying for an event
on city property

☐

Yes

☐

No

Will Food be
served?

☐

Yes

☐

No

SECTION 7 - RELEASE/HOLD HARMLESS/INDEMNIFICATION AGREEMENT (REQUIRED FOR USE OF TOWN PROPERTY ONLY)

I, *Mashpee Chamber Executive, Katy Acheson* (name of individual[s], partnership, or corporation) hereby agree and promise to release, hold harmless and indemnify the Town of Mashpee, including employees, officials, board members, etc. from all liability of any kind or nature arising or

submitting from the activity entitled Mashpee Chamber Christmas Parade

(name of event) to be held on 12/10/22

the undersigned represents that he/she has the authority to execute this Agreement.

signed on 10/04/21

on behalf of Mashpee Chamber

the event's

Mashpee Chamber Christmas Parade

Katy Acheson

SECTION 8 - DECLARATION

☒ I do hereby certify under the pains & penalties of perjury that the information provided above is true and correct.

Date 09/27/22

For more information, please contact the Selectmen's Office at (508) 539-1401 if you have any question regarding this application form.



TOWN OF MASHPEE

OFFICE OF THE SELECT BOARD

16 Great Neck Road North
Mashpee, Massachusetts 02649
Telephone – (508) 539-1401
bos@mashpeema.gov

MEMORANDUM

Date: September 28, 2022

To: Rodney C. Collins, Town Manager and
Honorable Members of the Board of Selectmen

From: Stephanie A. Coleman, Administrative Secretary 

Re: Temporary Sign Permit - Mashpee Boosters Club Annual Psychic Fair

Description

Discussion of the Temporary Sign Permit Application for the Mashpee Boosters Club Annual Psychic Fair.

Background

The applicant is requesting to erect eight (8) metal temporary signs advertising for the Mashpee Booster's Club Annual Psychic Fair at the following locations:

- Intersection of Old Barnstable Road and Rout 151 – 2 signs
- Lowell Road – 2 signs
- Old Barnstable Road – 2 signs
- Mashpee Rotary – 2 signs

Signs will be approximately 2' x 2' and will be in place October 16th through October 22nd, the week before the event. Attached is the permit application for your reference.

APPLICATION TO TEMPORARY SIGN PERMIT

APPLICATION DETAILS

| | | | | | | | |
|--------------|---------------------|--------------|-------------|------------|--|------------|--|
| Application | <i>TS-22-111656</i> | Date Issued: | | Permit #: | | Date Paid: | |
| Fee Payable: | <i>0.00</i> | Fee Paid: | <i>0.00</i> | Receipt #: | | | |
| | | (\$) | | | | | |

| | |
|----------------------------------|---------------------|
| Related Road/Race/ Special Event | <i>Psychic Fair</i> |
| Plot No. | |

SECTION 1 - SITE INFORMATION

| | | | |
|---------------|--------------------------|-----------|----------------|
| Street Name | <i>OLD BARNSTABLE RD</i> | Map Block | <i>73-0-45</i> |
| | | Lot | |
| Street Number | <i>500</i> | Zone | <i>R5</i> |
| Plot No. | | | |

SECTION 2 - BUSSINESS OWNER INFORMATION

| | | | | | |
|---------------------|------------------------------|-------------|----------------------|-----|--------------|
| Business Owner Name | <i>Mashpee Boosters Club</i> | | | | |
| Street Number | <i>GREAT</i> | Street Name | <i>NECK RD NORTH</i> | | |
| City | <i>MASHPEE</i> | State | <i>MA</i> | Zip | <i>02649</i> |
| Telephone | | Email | | | |

SECTION 3 - APPLICANT INFORMATION

| | | | | | |
|----------------|-------------------------------|-------------|-----------------------------|-----|--------------|
| Applicant Name | <i>Dan O'Neill, President</i> | | | | |
| Street Number | <i>16</i> | Street Name | <i>Fern Gully Pass</i> | | |
| City | <i>Mashpee</i> | State | <i>MA</i> | Zip | <i>02649</i> |
| Telephone | <i>508-395-0302</i> | Email | <i>capedano@comcast.net</i> | | |

SECTION 4 - MAILING ADDRESS

| | | | | | |
|----------------|---------|-------------|---------------|-----|-------|
| Address Number | 00000 | Street Name | NEED RD NORTH | | |
| City | MASHPEE | State | MA | Zip | 02649 |

SECTION 5 - WORK DETAILS (THIS SECTION IS FOR OFFICIAL USE ONLY)

| | | | | | |
|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------------------|----------------------------------------------------|--|
| Location of Sign(s) on Property | Intersection of Old Barnstable Road and Route 151; Lowell Road and Old Barnstable Road; Old Barnstable Road and dr | | | | |
| Number of Signs on Property | eight (8) ; two (2) at each site | | Will Sign(s) be Illuminated? | <input type="radio"/> Yes <input type="radio"/> No | |
| Type of Sign | <input checked="" type="checkbox"/> Temporary Banner <input type="checkbox"/> Wall <input type="checkbox"/> Ground <input type="checkbox"/> Free Standing | | | | |
| Lower Edge will be | 2 feet | Feet | 2 feet | Inches Above Pub Way | |
| Upper Edge will be | 2 feet | Feet | 4 feet | Inches Above Pub Way | |
| Sign Area | 2 x 2 | Square Feet | | | |
| Distance of Building or Pole is | | Feet | | Inches Back From Street Line | |
| Sign will extend | | Feet Above Grade | | | |
| Materials used to construct sign | Frame | Medal | Face | | |
| Foundation Materials | | | Size | | |
| Electrician Required | <input type="radio"/> Yes <input type="radio"/> No | | | | |

Brief Description of Proposed Work
Psychic Fair signs advertising event on October 22, 2022 to benefit Post-Prom event. Signs to be put up week before and taken down after 4:00 p.m. day of event.

SECTION 6 - DECLARATION

Conni L Baker, President as Owner/Authorized Agent hereby declare that the statements and information on the foregoing application are true and accurate, to the best of my knowledge and belief. Signed under the pains and penalties of perjury.

I do hereby certify under the pains & penalties of perjury that the information provided above is true and correct. Date 09/23/22

Mashpee Booster's

SATURDAY

Psychic Fair

10am to 4 pm

KC Coombs School
152 Old Barnstable Rd



Town of Mashpee

Department of Public Works

*350 Meetinghouse Road
Mashpee, Massachusetts 02649
Telephone - (508) 539-1420
Fax - (508) 539-3894*

MEMORANDUM

September 26, 2022

TO: Select Board
Rodney Collins, Town Manager

FROM: Catherine Laurent, Director *CL*

SUBJECT: Recommendations for Award of Contract for Salt and Agricultural By-Product

The Town solicits bids for the purchase of salt and agricultural by-product (SafeMelt) through a regional bid with the other municipalities in the Counties of Barnstable and Plymouth. Bids were opened on September 22nd. Attached are the results.

I recommend that a contract be awarded to **Morton Salt, Inc.** who submitted the lowest qualified bid of **\$75.73 per ton**. This is a 13% increase from FY22.

I am also recommending that a contract be awarded to **Morton Salt** for pre-treated salt. They submitted the lowest qualified bid of **\$91.73 per ton**. As the name suggests, this salt is delivered already treated with the agricultural by-product. This provides DPW with an option when either time doesn't permit DPW to pre-treat ourselves and/or the agricultural by-product isn't available.

Finally, I recommend that a contract be awarded to **Safe Road Services** who submitted the lowest qualified bid of **\$1.73 per gallon** (> 2,000 gallons). This is a 29% increase from FY22.

Town of Plymouth - Regional Salt Bid Results

Bid 22212

September 22, 2022 11 AM

Road Salt (dollars and cents/ton)

| Towns | Est. Amt. (tons) | All States Construction, Inc. | American Rock Salt Co. | Eastern Miderals, Inc. | G. B. Sons Construction Co., Inc. | Innovative Municipal Products (US), Inc. | Mid-American Salt | Morton Salt, Inc. | Safe Road Services | Saltine Warrior, Inc. |
|---------------|------------------|-------------------------------|------------------------|------------------------|-----------------------------------|------------------------------------------|-------------------|-------------------|--------------------|-----------------------|
| Abington | 2,600 | n/b | \$ 80.20 | \$ 72.63 | n/b | n/b | \$ 78.22 | \$ 68.66 | n/b | \$ 79.60 |
| Barnstable | 8,000 | n/b | \$ 94.90 | \$ 76.07 | n/b | n/b | \$ 79.97 | \$ 75.73 | n/b | \$ 80.99 |
| Bourne | 3,500 | n/b | \$ 79.83 | \$ 73.72 | n/b | n/b | \$ 76.13 | \$ 72.25 | n/b | \$ 78.68 |
| Brewster | 1,500 | n/b | \$ 97.76 | \$ 78.42 | n/b | n/b | \$ 82.31 | \$ 80.21 | n/b | \$ 84.10 |
| Bridgewater | 1,000 | n/b | \$ 78.90 | \$ 72.82 | n/b | n/b | \$ 75.42 | \$ 68.22 | n/b | \$ 76.71 |
| Carver | 0 | n/b | n/b | \$ 73.83 | n/b | n/b | \$ 76.24 | n/b | n/b | n/b |
| Chatham | 1,000 | n/b | \$ 98.90 | \$ 78.76 | n/b | n/b | \$ 82.11 | \$ 85.22 | n/b | \$ 83.80 |
| Chilmark* | | | | | | | | | | |
| DELIVERED | 300 | n/b | n/b | n/b | n/b | n/b | \$175.00 | \$175.00 | n/b | \$ 174.00 |
| PICKED-UP | | n/b | n/b | \$ 85.00 | n/b | n/b | \$ 75.00 | \$150.00 | n/b | \$ 84.00 |
| Cohasset | 2,000 | n/b | \$ 92.64 | \$ 73.75 | n/b | n/b | \$ 77.03 | \$ 65.89 | n/b | \$ 82.00 |
| Dennis | 1,000 | n/b | \$ 96.08 | \$ 77.64 | n/b | n/b | \$ 84.62 | \$ 76.60 | n/b | \$ 80.99 |
| Duxbury | 4,000 | n/b | \$ 102.50 | \$ 74.39 | n/b | n/b | \$ 80.20 | \$ 68.70 | n/b | \$ 80.10 |
| Eastham | 0 | n/b | n/b | \$ 78.76 | n/b | n/b | \$ 86.15 | n/b | n/b | \$ 78.10 |
| Easton | 3,000 | n/b | \$ 75.50 | \$ 71.14 | n/b | n/b | \$ 72.09 | \$ 67.05 | n/b | \$ 78.10 |
| Edgartown* | | | | | | | | | | |
| DELIVERED | 400 | n/b | n/b | n/b | n/b | n/b | \$175.00 | \$175.00 | n/b | \$ 174.00 |
| PICKED-UP | | n/b | n/b | \$ 85.00 | n/b | n/b | \$ 75.00 | \$150.00 | n/b | \$ 84.00 |
| Falmouth | 6,000 | n/b | \$ 94.00 | \$ 75.06 | n/b | n/b | \$ 78.44 | \$ 75.84 | n/b | \$ 79.88 |
| Halifax | 2,000 | n/b | \$ 79.00 | \$ 73.83 | n/b | n/b | \$ 76.72 | \$ 68.22 | n/b | \$ 78.20 |
| Harwich | 2,500 | n/b | \$ 97.00 | \$ 78.54 | n/b | n/b | \$ 82.17 | \$ 79.61 | n/b | \$ 81.68 |
| Hull | 1,000 | n/b | \$ 93.50 | \$ 73.75 | n/b | n/b | \$ 83.22 | \$ 67.05 | n/b | \$ 83.30 |
| Kingston | 6,000 | n/b | \$ 77.05 | \$ 74.39 | n/b | n/b | \$ 74.81 | \$ 69.17 | n/b | \$ 79.20 |
| Lakeville | 3,000 | n/b | \$ 77.90 | \$ 73.05 | n/b | n/b | \$ 73.21 | \$ 70.08 | n/b | \$ 75.74 |
| Marion | 350 | n/b | \$ 80.00 | \$ 73.16 | n/b | n/b | \$ 74.97 | \$ 77.06 | n/b | \$ 78.00 |
| Marshfield | 4,000 | n/b | \$ 75.00 | \$ 74.35 | n/b | n/b | \$ 76.11 | \$ 67.48 | n/b | \$ 82.30 |
| Mashpee | 2,500 | n/b | \$ 94.00 | \$ 75.85 | n/b | n/b | \$ 79.00 | \$ 75.73 | n/b | \$ 79.88 |
| Mattapoisett | 400 | n/b | \$ 81.50 | \$ 73.96 | n/b | n/b | \$ 72.27 | \$ 76.39 | n/b | \$ 76.19 |
| Middleborough | 4,000 | n/b | \$ 78.50 | \$ 72.82 | n/b | n/b | \$ 74.37 | \$ 70.08 | n/b | \$ 76.88 |
| Oak Bluffs* | | | | | | | | | | |
| DELIVERED | 400 | n/b | n/b | n/b | n/b | n/b | \$175.00 | \$175.00 | n/b | \$ 174.00 |
| PICKED-UP | | n/b | n/b | \$ 85.00 | n/b | n/b | \$ 75.00 | \$150.00 | n/b | \$ 84.00 |
| Orleans | 800 | n/b | \$ 98.90 | \$ 79.10 | n/b | n/b | \$ 88.21 | \$ 81.97 | n/b | \$ 84.80 |
| Pembroke | 10,000 | n/b | \$ 75.00 | \$ 74.35 | n/b | n/b | \$ 77.73 | \$ 67.05 | n/b | \$ 79.70 |
| Plymouth | 6,300 | n/b | \$ 80.00 | \$ 74.50 | n/b | n/b | \$ 78.30 | \$ 70.08 | n/b | \$ 80.30 |
| Plympton | 800 | n/b | \$ 79.05 | \$ 73.83 | n/b | n/b | \$ 75.89 | \$ 69.17 | n/b | \$ 77.81 |
| Provincetown | 1,200 | n/b | \$103.50 | \$ 83.69 | n/b | n/b | \$ 94.50 | \$ 85.93 | n/b | \$ 88.34 |
| Rochester | 1,500 | n/b | \$ 77.90 | \$ 72.82 | n/b | n/b | \$ 75.55 | \$ 72.25 | n/b | \$ 76.74 |
| Rockland | 2,500 | n/b | \$ 75.14 | \$ 72.27 | n/b | n/b | \$ 76.10 | \$ 65.89 | n/b | \$ 80.20 |
| Sandwich | 5,000 | n/b | \$ 93.00 | \$ 74.84 | n/b | n/b | \$ 79.21 | \$ 74.60 | n/b | \$ 78.49 |
| Truro | 150 | n/b | \$102.00 | \$ 82.66 | n/b | n/b | \$ 85.17 | \$ 84.25 | n/b | \$ 87.00 |
| Wareham | 0 | n/b | n/b | \$ 72.82 | n/b | n/b | \$ 77.47 | n/b | n/b | \$ 77.60 |
| Wellfleet | 600 | n/b | \$100.50 | \$ 81.78 | n/b | n/b | \$ 89.92 | \$ 83.10 | n/b | \$ 85.26 |
| Whitman | 2,500 | n/b | \$ 75.64 | \$ 72.63 | n/b | n/b | \$ 73.80 | \$ 66.28 | n/b | \$ 78.00 |
| Yarmouth | 2,000 | n/b | \$ 95.00 | \$ 77.64 | n/b | n/b | \$ 79.21 | \$ 76.56 | n/b | \$ 80.99 |

Town of Plymouth - Regional Salt Bid Results
 Bid # 22212
 September 22, 2022

Pre-Mix Treated Salt (dollars & cents per ton)

| Towns | Est. Amt. (tons) | All States Construction, Inc. | American Rock Salt Co. | Eastern Minerals, Inc. | G. B. Sons Construction Co., Inc. | Innovative Municipal Products (US), Inc. | Mid-American Salt | Morton Salt, Inc. | Safe Road Services | Saltine Warrior, Inc. |
|-------------------|-------------------------|--------------------------------------|-------------------------------|-------------------------------|------------------------------------------|-------------------------------------------------|--------------------------|--------------------------|---------------------------|------------------------------|
| Barnstable | 4,000 | n/b | n/b | \$96.07 | n/b | n/b | \$ 97.21 | \$ 91.73 | n/b | \$ 94.00 |
| Dennis | 2,000 | n/b | n/b | \$97.64 | n/b | n/b | \$ 98.47 | \$ 92.60 | n/b | \$ 94.00 |
| Eastham | 900 | n/b | n/b | n/b | n/b | n/b | \$ 99.20 | \$ 97.97 | n/b | \$ 94.00 |
| Falmouth | 3,000 | n/b | n/b | \$95.06 | n/b | n/b | \$ 98.17 | \$ 91.84 | n/b | \$ 94.00 |
| Harwich | 500 | n/b | n/b | \$98.54 | n/b | n/b | \$ 99.52 | \$ 95.61 | n/b | \$ 94.00 |
| Mashpee | 500 | n/b | n/b | \$95.85 | n/b | n/b | \$ 96.97 | \$ 91.73 | n/b | \$ 94.00 |
| Orleans | 400 | n/b | n/b | \$99.10 | n/b | n/b | \$106.21 | \$ 97.97 | n/b | \$ 94.00 |
| Sandwich | 5,000 | n/b | n/b | \$94.84 | n/b | n/b | \$ 97.77 | \$ 90.60 | n/b | \$ 94.00 |
| Yarmouth | 2,000 | n/b | n/b | \$97.64 | n/b | n/b | \$ 97.33 | \$ 92.56 | n/b | \$ 94.00 |



Town of Mashpee

Department of Public Works

*350 Meetinghouse Road
Mashpee, Massachusetts 02649
Telephone - (508) 539-1420
Fax - (508) 539-3894*

MEMORANDUM

September 26, 2022

TO: Select Board
Rodney Collins, Town Manager

FROM: Catherine Laurent, Director *CL*

RE: FY23 Snow Plow Contractor Rates

Description

The Town hires private contractors each year to assist with snow removal. To remain competitive with surrounding towns and MassDOT, rates are reviewed annually.

Background

With over 425 lane miles of roads in Mashpee (Town roads plus private roads meeting the minimum requirements), DPW is unable to plow all roads and Town parking lots during a snow storm. DPW attempts to hire approximately 20 contractors each winter season to assist.

The last rate increase was in FY21.

Recommendation

I recommend that the Board of Selectmen approve an increase in rates of \$15.00 per hour for vehicles and equipment. I also recommend an incentive of \$5.00 per hour for contractors who had plowed for the Town in FY22. See attached.

Pros and Cons

Paying rates comparable to those paid by other towns is imperative to attracting and keeping contractors. Fuel costs have increased significantly over the last year, especially diesel. Contractors are also responsible for maintaining their trucks/plows and providing minimum insurance. The extras incentive will show appreciation for returning contractors; there is a benefit to returning contractors in that they know their plow route.

Failure to hire a sufficient number of contractors will delay the Town's response during and after a snow storm.

TOWN OF MASHPEE
FY23 EQUIPMENT RATES*

| EQUIPMENT | | RATE |
|-----------------------------------|---------------------------|----------|
| 4WD Truck (< 11,000 GVW) | 8 foot plow | \$100.00 |
| | 9 foot plow | \$105.00 |
| 4WD Truck (11,000-16,000 GVW) | 9 foot plow | \$115.00 |
| AWD Truck (16,001-25,800 GVW) | 10 foot plow | \$116.25 |
| AWD Truck (25,801-33,000 GVW) | 10 foot plow | \$133.25 |
| | 11 foot plow | \$140.50 |
| AWD Truck (33,001-50,000 GVW) | 10 foot plow | \$151.50 |
| | 11 foot plow | \$158.50 |
| AWD Truck (> 50,000 GVW) | 11 foot plow | \$161.75 |
| Spreader (additional per hour) | 1.0-5.99 CY | \$16.50 |
| | 6.0-9.99 CY | \$33.00 |
| | ≥10 CY | \$38.50 |
| Loader (with AWD) | < 2 CY | \$109.50 |
| | 2.0-3.99 CY | \$125.00 |
| | 4.0-5.99 CY | \$140.25 |
| | ≥ 6.0 CY | \$175.50 |
| Backhoe | | \$114.00 |
| Skid Steer (with AWD) | | \$111.75 |
| | Snow blower attachment | \$114.00 |

*** Contractors who plowed for the Town of Mashpee in FY22 and are returning shall receive an extra \$5.00 per hour payment for vehicles/equipment**

TOWN OF MASHPEE
FY22 EQUIPMENT RATES

| EQUIPMENT | | RATE |
|-----------------------------------|------------------------|----------|
| 4WD Truck* (< 11,000 GVW) | 8 foot plow | \$85.00 |
| | 9 foot plow | \$90.00 |
| 4WD Truck* (11,000-16,000 GVW) | 9 foot plow | \$100.00 |
| AWD Truck (16,001-25,800 GVW) | 10 foot plow | \$101.25 |
| AWD Truck (25,801-33,000 GVW) | 10 foot plow | \$118.25 |
| | 11 foot plow | \$125.50 |
| AWD Truck (33,001-50,000 GVW) | 10 foot plow | \$136.50 |
| | 11 foot plow | \$143.50 |
| AWD Truck (> 50,000 GVW) | 11 foot plow | \$146.75 |
| Spreader (additional per hour) | 1.0-5.99 CY | \$16.50 |
| | 6.0-9.99 CY | \$33.00 |
| | ≥10 CY | \$38.50 |
| Loader (with AWD) | < 2 CY | \$94.50 |
| | 2.0-3.99 CY | \$110.00 |
| | 4.0-5.99 CY | \$135.25 |
| | ≥ 6.0 CY | \$160.50 |
| Backhoe | | \$99.00 |
| Skid Steer (with AWD) | | \$96.75 |
| | Snow blower attachment | \$99.00 |

Mashpee Water Quality Monitoring Program Summary of Nutrient Related Health of Mashpee's Estuaries (summer 2021)

***Town of Mashpee
Mashpee Wampanoag Tribe
SMAST-UMASSD Collaboration
For Estuarine Restoration***

**Brian L. Howes, Director
Coastal Systems Program
School of Marine Science & Technology
University of Massachusetts – Dartmouth**

September 19, 2022



Major Anthropogenic Problem Facing Estuaries Globally

Habitat Degradation:

- increased nitrogen loading is the major threat to estuaries, world-wide;
- Today nitrogen enrichment is causing significant impairments to Waquoit and Popponesset Bays and portions of most Cape Cod Estuaries.

How do we restore and protect our estuaries?

Nitrogen management is the only way to restore degraded estuarine habitat, primarily through:

- Increased tidal exchange
- Control of watershed nitrogen sources
- Increased Nitrogen removal in transport



SMAS
The School for Marine Science and Technology
University of Massachusetts Dartmouth



Mashpee Water Quality Monitoring Program

Goals:

- to assess current nutrient related water quality of each estuary within the Town of Mashpee to support management**
- to track short & long-term changes in embayment health**
- to yield validation of the effectiveness of Nitrogen Management Alternatives and regulatory TMDL compliance**

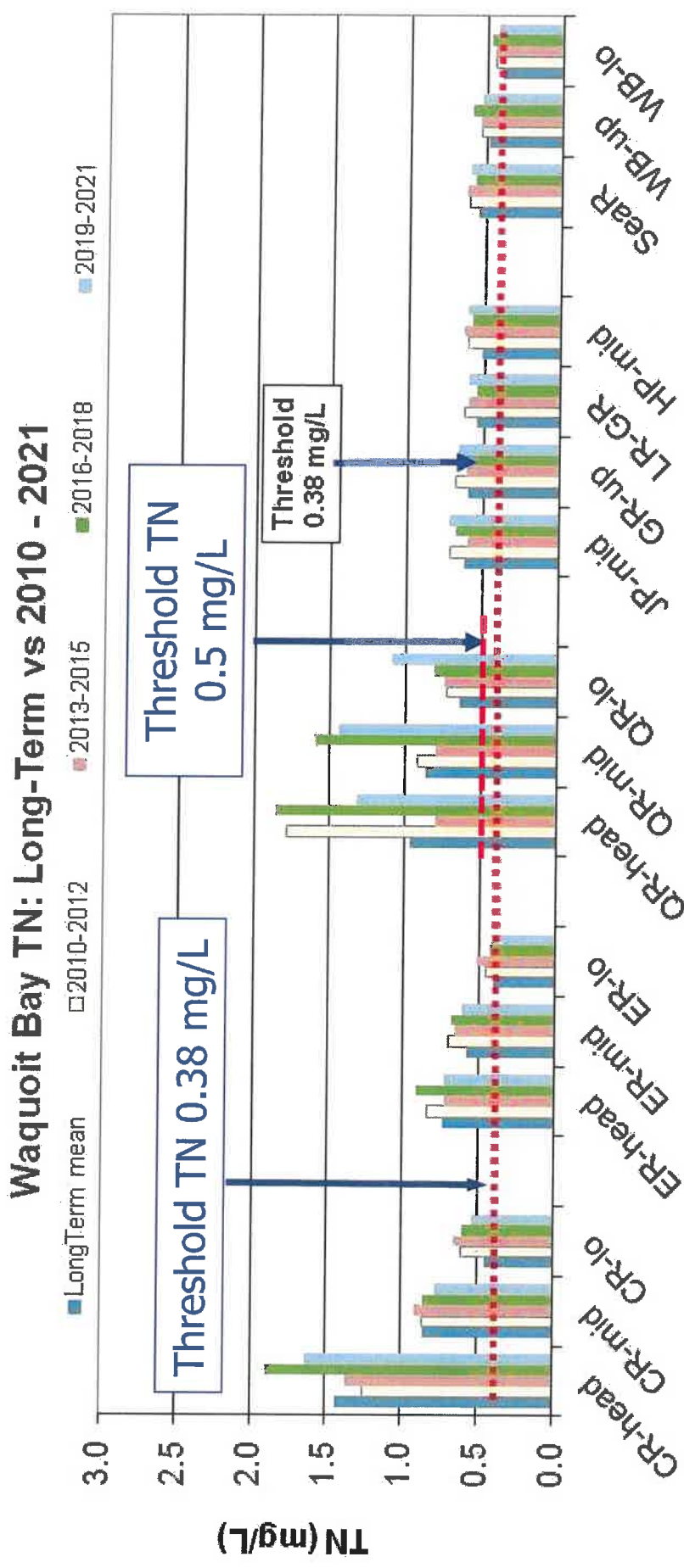
Estuarine Monitoring: Town of Mashpee

Popponesset Bay
Water Quality Stations
2010-2021
16 estuarine stations
4 sampling events



Waquoit Bay Monitoring Results: Total N

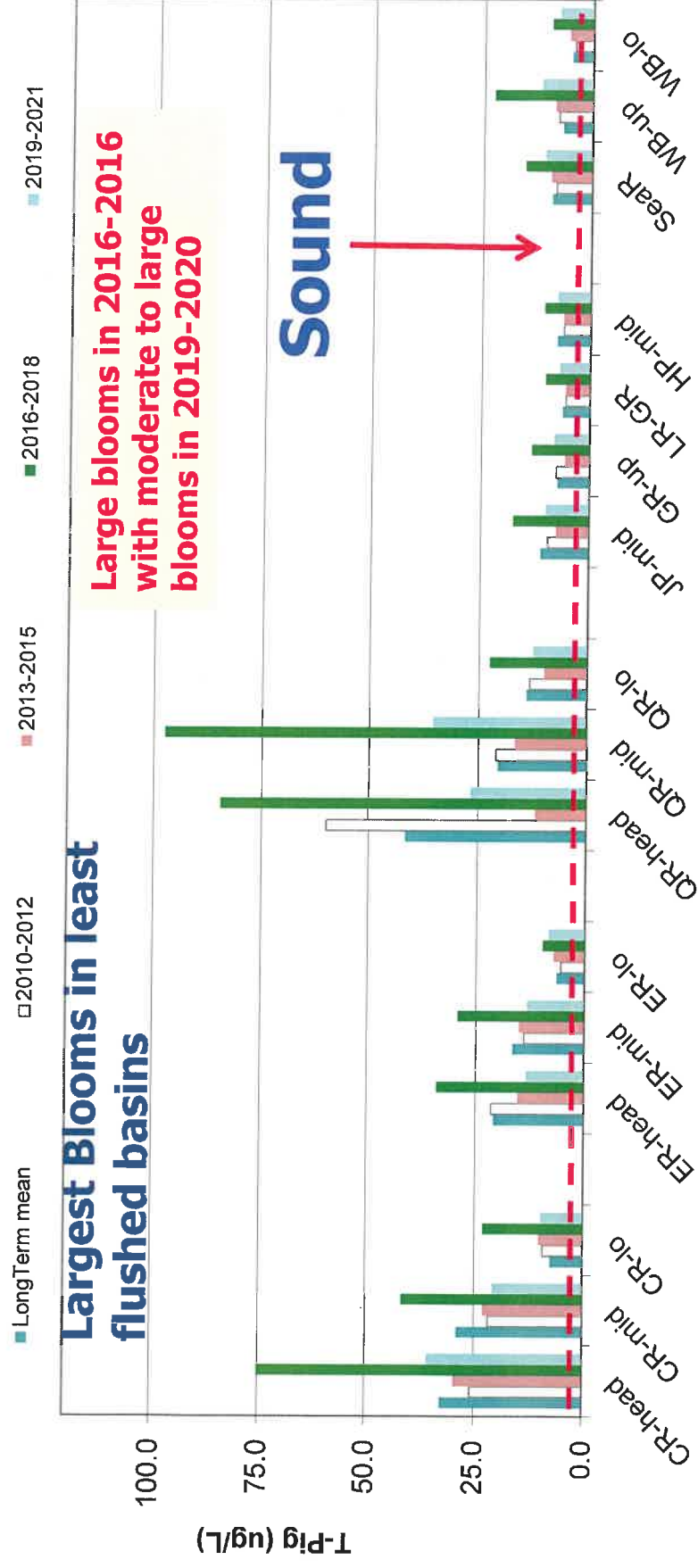
All Sites Over TMDL Nitrogen Threshold in All Years



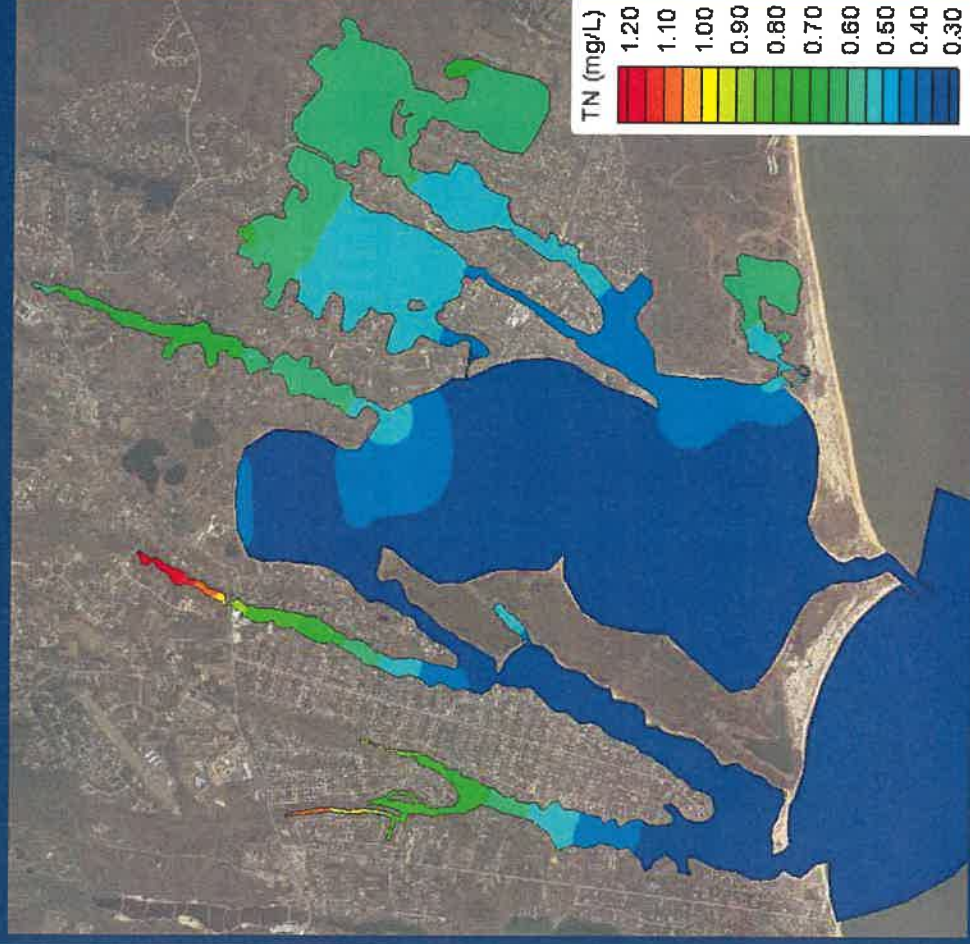
CR: Childs River, ER: Eel River, QR: Quashnet River, JP: Jehu Pond, HP: Hamblin Pond, WB: Waquoit Bay main basin

Waquoit Bay Monitoring Results: Phytoplankton Biomass (Chlorophyll-a)

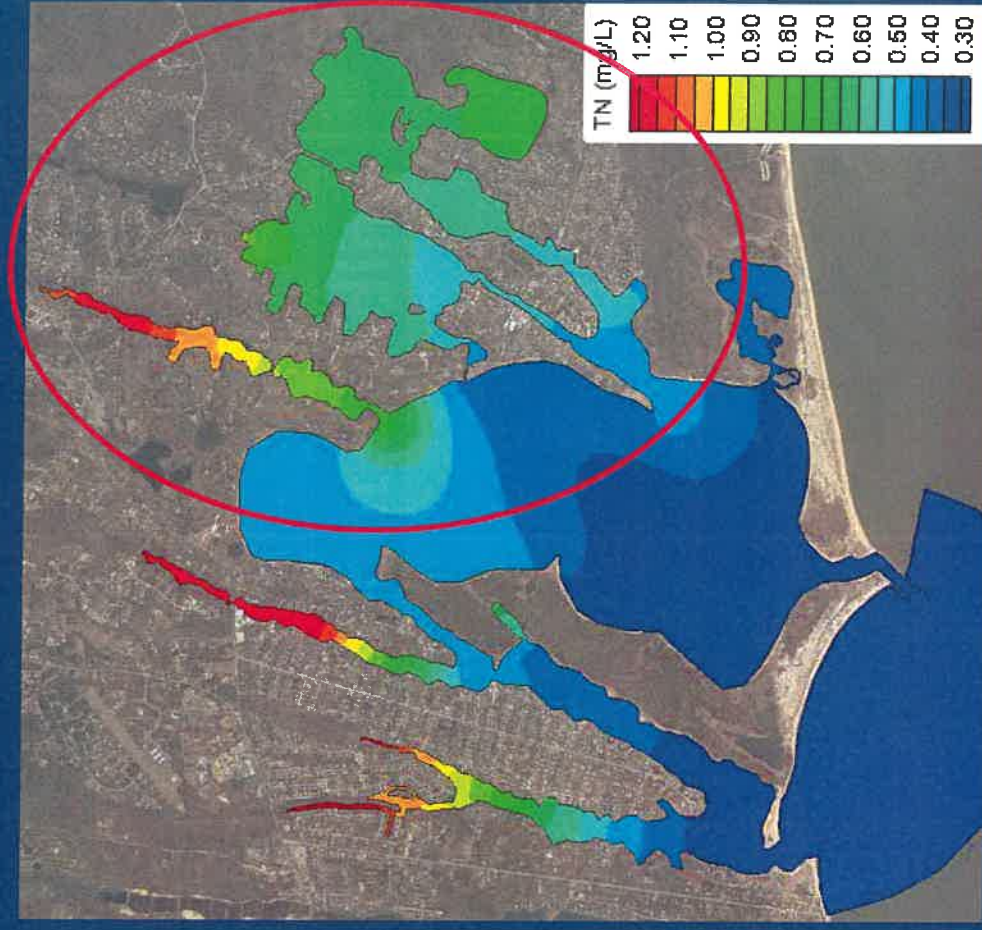
Waquoit Bay Total Chla Pigment: Long-Term vs 2010 - 2021



CR: Childs River, ER: Eel River, QR: Quashnet River, JP: Jehu Pond, HP: Hamblin Pond, WB: Waquoit Bay main basin



2010 N Loading



Build-out Loading

Tidally Averaged Total Nitrogen (mg/L) Gradient

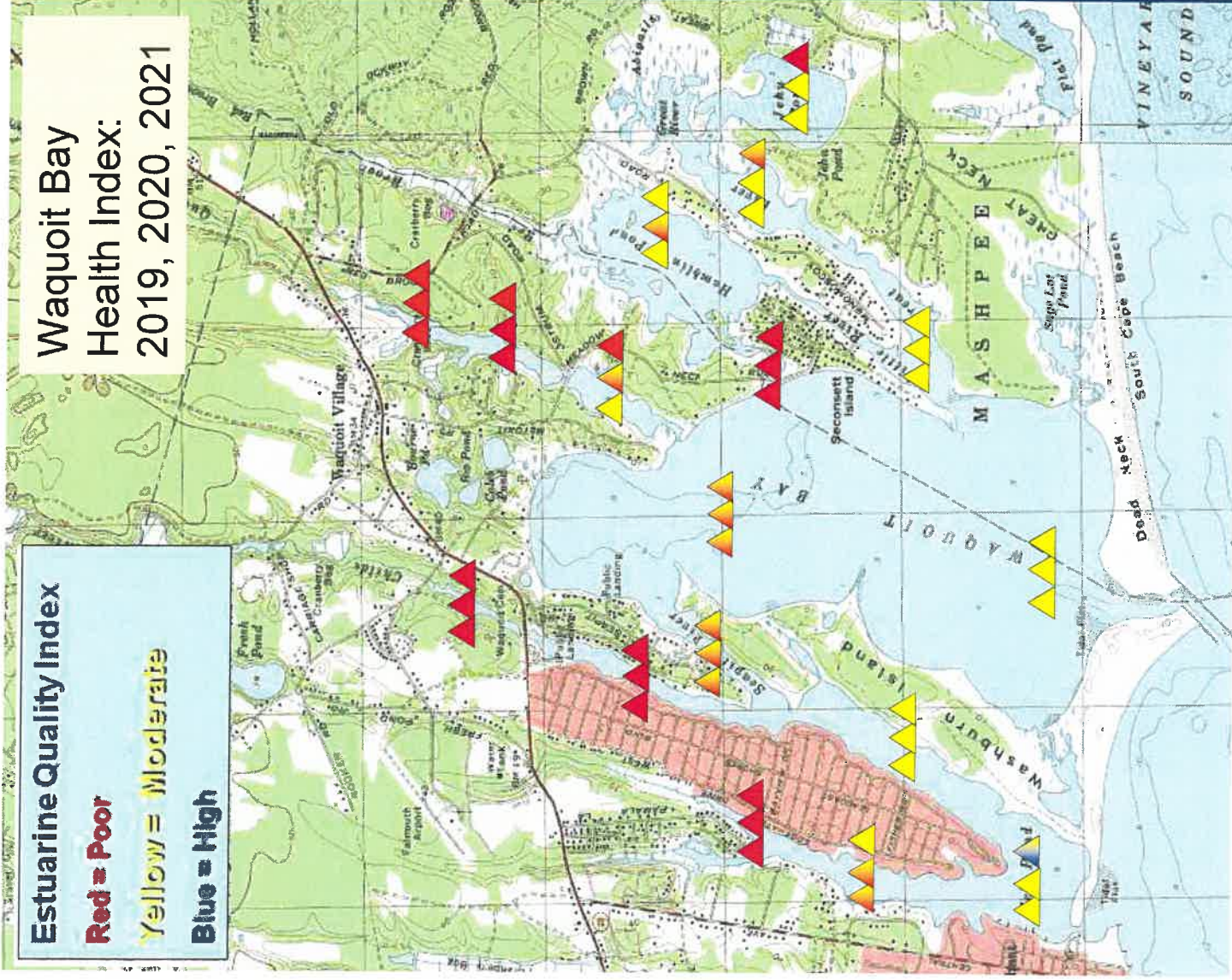
Estuarine Quality Index

Red = Poor

Yellow = Moderate

Blue = High

Waquoit Bay
Health Index:
2019, 2020, 2021



Waquoit Bay Water Quality

2019-2021

- Significant N enrichment in upper tributaries
- Eastern embayments moderately N enriched
- Quashnet continues to have poor water quality
- 2019-2021 terminal pond water quality, declined (Hamblin, Jehu).

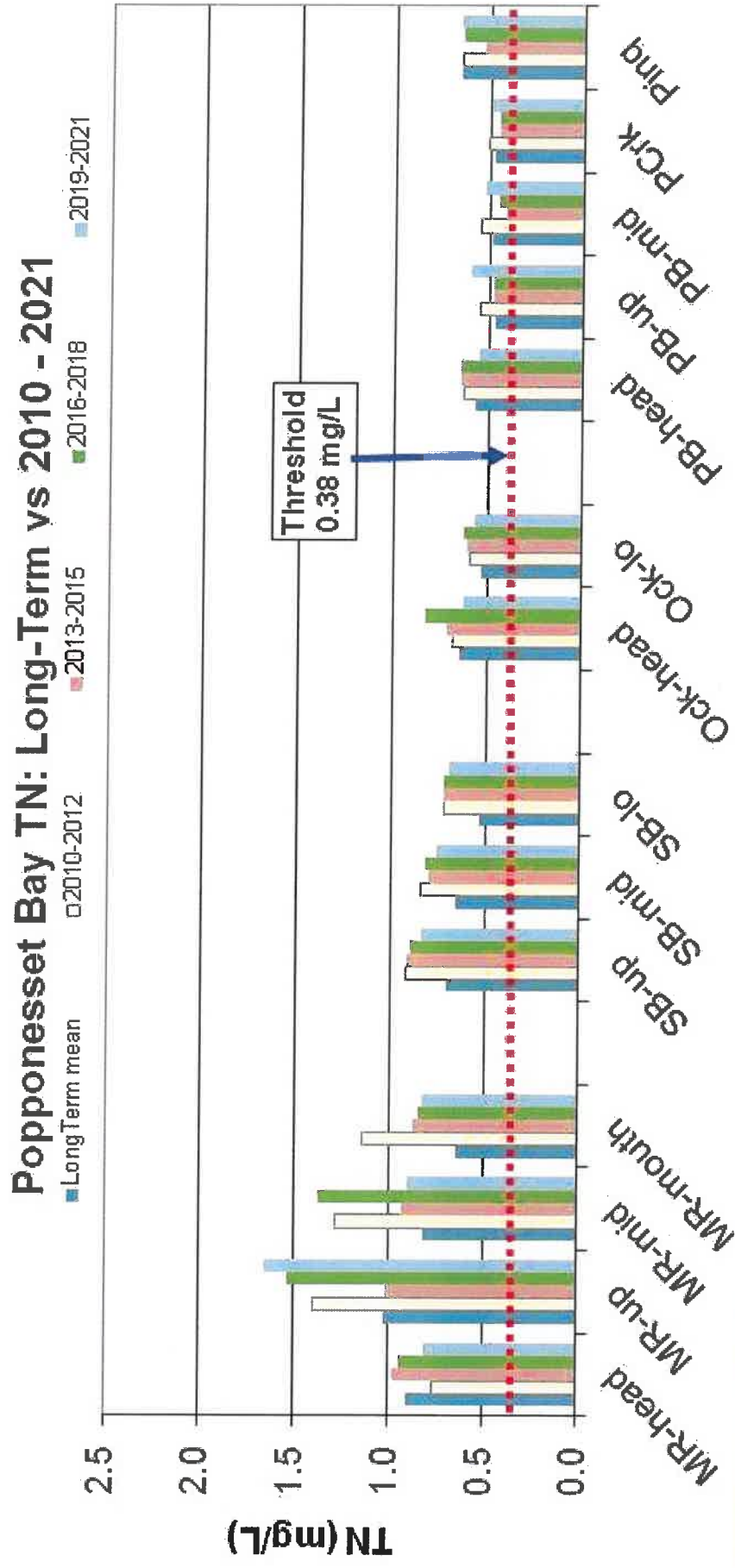
Status: Mashpee Waquoit Bay

Upper regions of each estuary showing the greatest level of nutrient related water quality decline. Eelgrass lost from both systems.

| Summary of Present Status and Trends of Water Quality in Mashpee's Estuaries | | | | | | |
|------------------------------------------------------------------------------|-------------|----------------|----------|------------------------|------------|-------------------|
| Estuary | Type | Habitat | TMDL | Status | Trend | Remedial Actions |
| Waquoit Bay | | | | | | |
| Jehu Pond | Basin | Marine | In Place | TN Rebound | Declining | Shellfish Seeding |
| Hamblin Pond | Basin | Marine | In Place | TN Rebound | Declining | Shellfish Seeding |
| Great River | Tidal River | Marine | In Place | TN Rebound | Declining | Shellfish Seeding |
| Little River | Tidal River | Marine | In Place | TN Rebound | Declining | Shellfish Seeding |
| Upper Quashnet | Tidal River | Fresh/Brackish | In Place | Severely Degraded | UnChanging | None |
| Lower Quashnet | Tidal River | Brackish | In Place | Severely Degraded | UnChanging | None |
| Upper Childs River | Tidal River | Brackish | In Place | Severely Degraded | UnChanging | None |
| Lower Childs River | Channel | Marine | In Place | Moderately Impaired | UnChanging | None |
| Upper Eel River | Tidal River | Brackish | In Place | Significantly Impaired | UnChanging | None |
| Lower Eel River | Basin | Marine | In Place | Moderately Impaired | Declining | None |
| Upper Main Basin | Basin | Marine | In Place | Impaired | Declining | None |
| Lower Main Basin | Basin | Marine | In Place | Moderately Impaired | Declining | None |

Estuarine Monitoring Results: TN

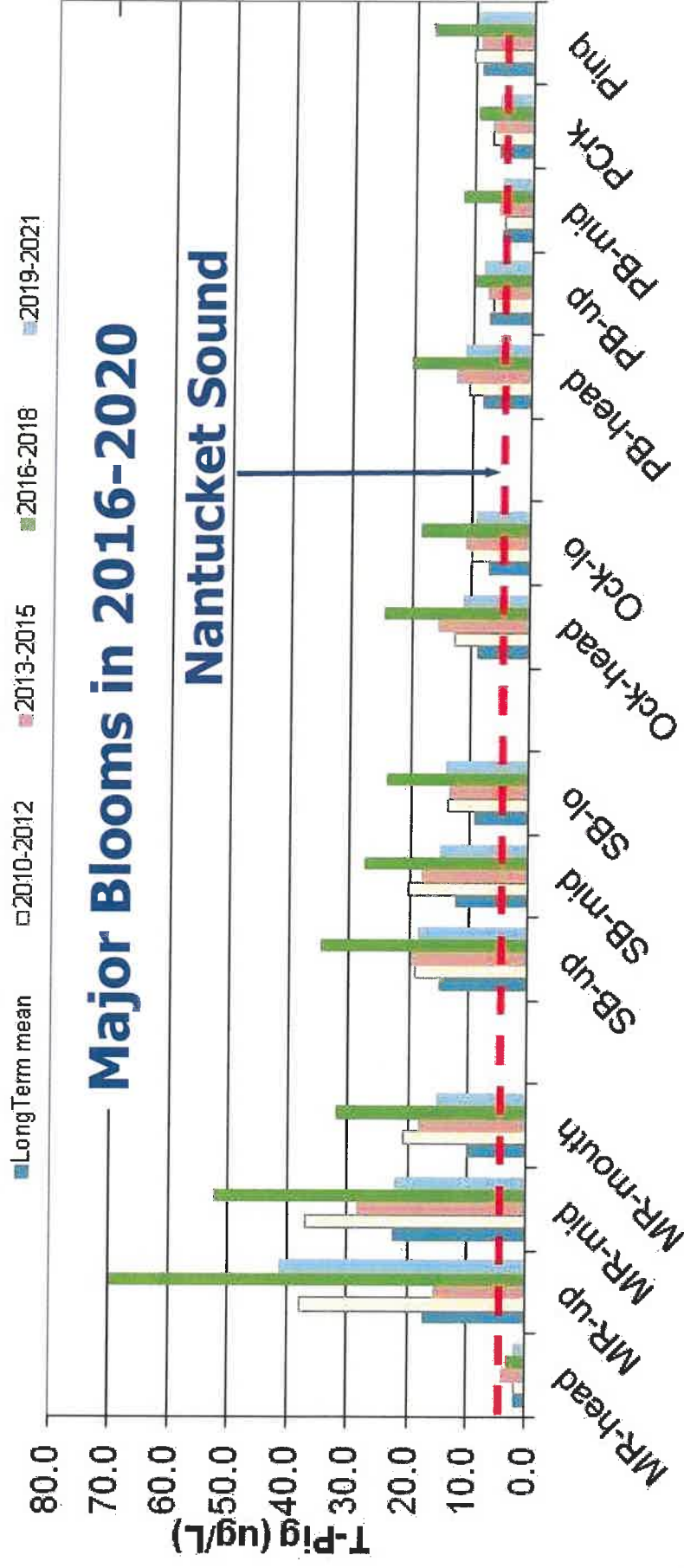
All Stations Exceed TMDL TN Threshold in all Years



MR: Mashpee River, SB: Shoestring Bay, Ock: Ockway Bay, Ping: Pinquisset Cove, PCrk: Popponesset Creek, PB: Popponesset Bay

Popponesset Bay Monitoring Results: Phytoplankton Biomass (Chlorophyll-a)

Popponesset Bay Total Chla Pigment: Long-Term vs 2010 - 2021



MR: Mashpee River, SB: Shoestring Bay, Ock: Ockway Bay, Pinq: Pinquisset Cove, PCrk: Popponesset Creek, PB: Popponesset Bay

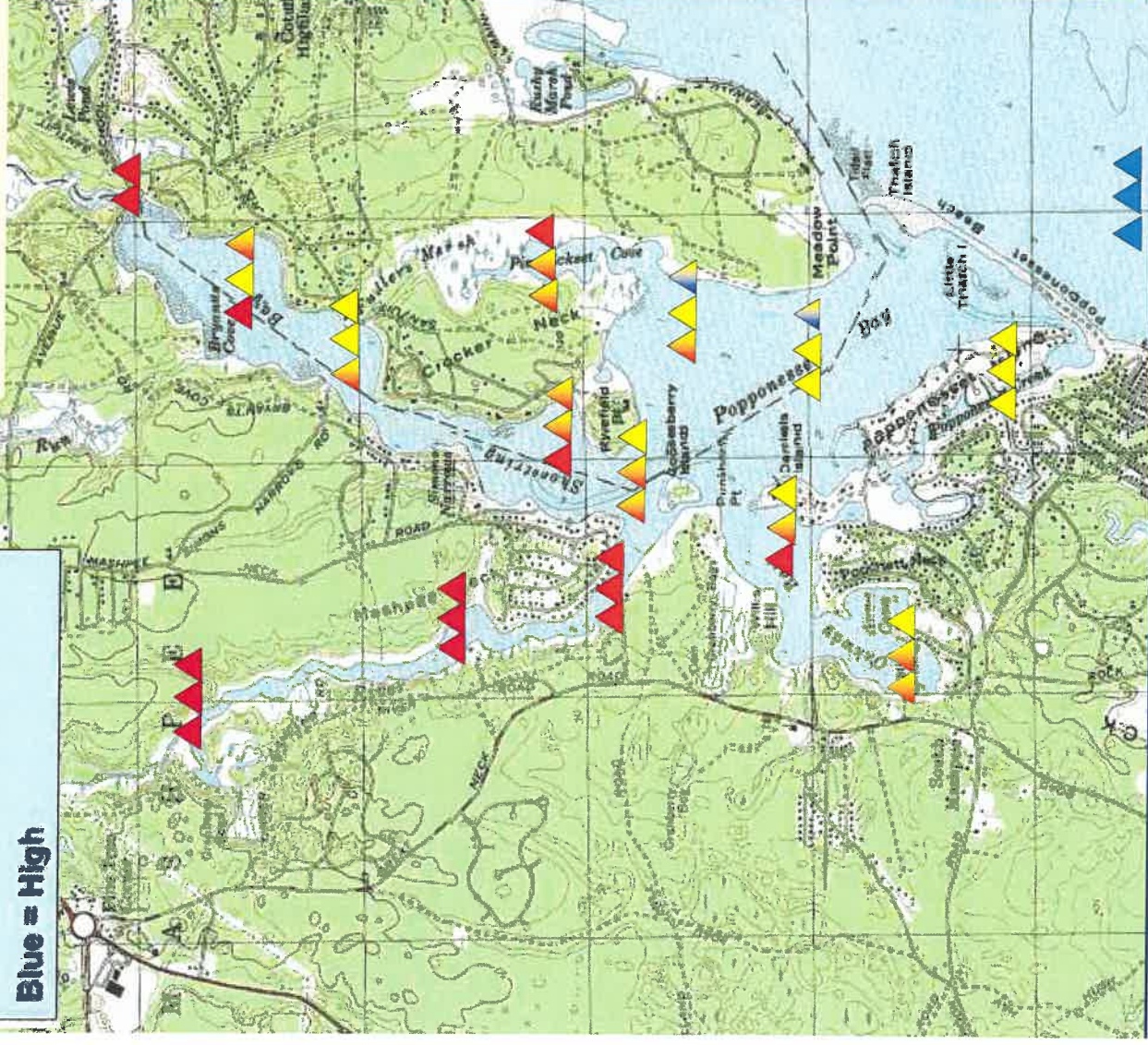
Estuarine Quality Index

Red = Poor

Yellow = Moderate

Blue = High

Popponesset Bay
Health Index:
2019, 2020, 2021



Popponesset Bay Water Quality

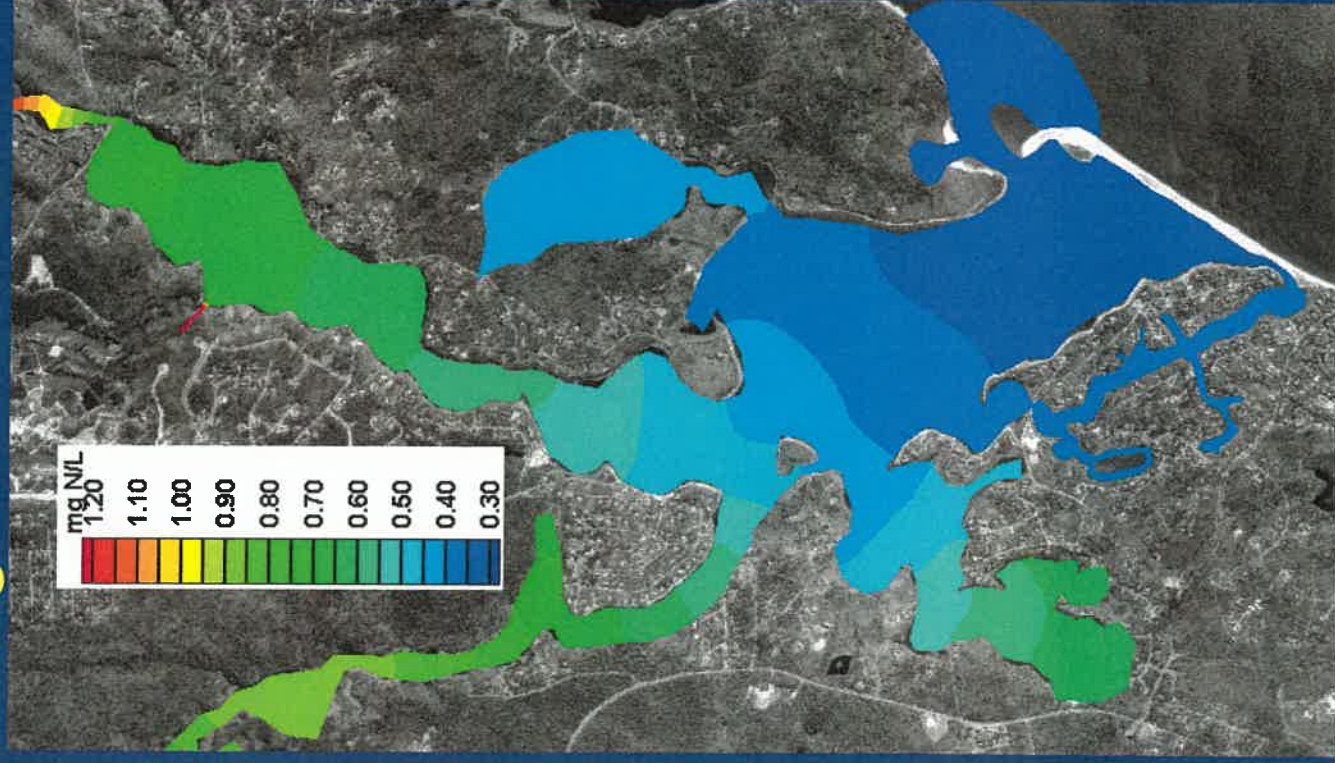
- Large and Significant N enrichment in upper tributaries; nutrient impairments throughout
- Increasing Large phytoplankton blooms each summer
- No High water quality areas remaining
- 100% eelgrass loss
- Benthic Habitat impaired through most of system.

Status: Mashpee Popponesset Bay

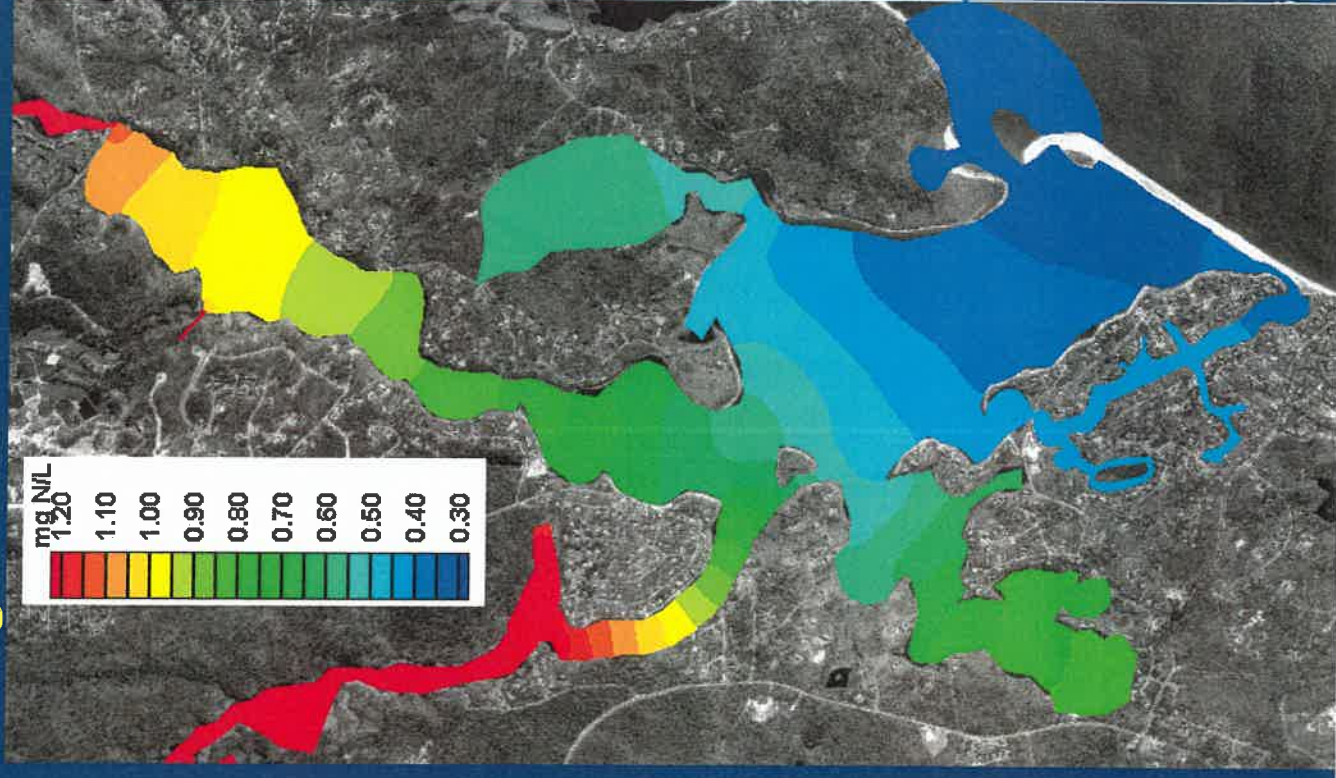
Upper regions of each estuary showing the greatest nutrient related impairments. No Eelgrass remains.

| Summary of Present Status and Trends of Water Quality in Mashpee's Estuaries | | | | | | |
|------------------------------------------------------------------------------|-------------|----------------|----------|------------------------|------------|-------------------|
| Estuary | Type | Habitat | TMDL | Status | Trend | Remedial Actions |
| Popponesset Bay | | | | | | |
| Upper Mashpee River | Tidal River | Fresh/Brackish | In Place | Impaired | UnChanging | None |
| Lower Mashpee River | Tidal River | Brackish | In Place | Impaired | TN Decline | Shellfish Culture |
| Inner Shoestring Bay | Basin | Marine | In Place | Severely Degraded | UnChanging | None |
| Outer Shoestring Bay | Basin | Marine | In Place | Significantly Impaired | UnChanging | None |
| Upper Ockway Bay | Basin | Marine | In Place | Significantly Impaired | UnChanging | None |
| Lower Ockway Bay | Basin | Marine | In Place | Significantly Impaired | UnChanging | None |
| Pinquissett Cove | Basin | Marine | In Place | Significantly Impaired | Declining | None |
| The Creeks | Channel | Marine | In Place | High Quality Waters | UnChanging | None |
| Upper Main Basin | Basin | Marine | In Place | Moderately Impaired | UnChanging | None |
| Lower Main Basin | Basin | Marine | In Place | Moderately Impaired | UnChanging | None |

Nitrogen Levels: 2008



Nitrogen Levels: Build-Out



Popponesset and Waquoit Bays

Findings:

- **Increasing** impairments throughout both estuaries, no high water quality areas remain.
- Gradual decline in lower basins, while upper tributary regions remain significantly impaired.
- Frequency and magnitude of phytoplankton blooms increasing, although variable.
- Macroalgal accumulations degrading benthos
- Clear evidence that declines due to nitrogen enrichment within the bay waters

Estuarine Monitoring: Popponesset Bay and Waquoit Bay

Findings:

- Results indicate that Monitoring Program is able to detect changes in response to implementation of management alternatives.
- Town implementing CWMP Phase I will be tracked and water quality versus TMDL targets will be used to support management & regulatory compliance tracking.

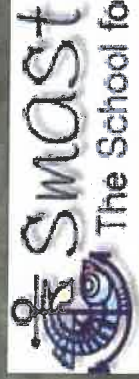
*Estuarine Monitoring:
Popponesset Bay and Waquoit Bay*

***THANK YOU ! To all the Volunteers from
Mashpee and the Wampanoag Tribe***

***And the Mashpee Waterways Commission
(Don MacDonald) who oversee the project***

***Phase I in reversing the
decline coming soon.***

Questions & Discussion



University of Massachusetts Dartmouth



COMMUNITY PRESERVATION ACT

Affordable Housing * Open Space * Recreation * Historic Preservation

JOIN THE CONVERSATION!

The Community Preservation Committee needs your input on how Mashpee should prioritize spending these important funds.

PUBLIC MEETING
Thursday, October 6th at 6:30
Mashpee Senior Center
26 Frank Hicks Drive

Written comments accepted: ksoares@mashpee.ma.gov

Affordable Housing * Open Space * Recreation * Historic Preservation



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Meredith Last Name: Kilpatrick

Address: P.O. Box 1481

City: Mashpee State: MA Zip Code: 02649

Phone Number: _____ Ext. _____

Email: _____

Organization or Media Affiliation (if any): N/A

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☒ Individual ☐ Organization ☐ Media

Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (Including city/town, county or region, if applicable): Town of Mashpee Select Board

Specific person(s), if any, you allege committed the violation: David Weeden, Select Board Chair

Date of alleged violation: 09/12/22

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Town of Mashpee Select Board (SB) Chair David Weeden violated Open Meeting Law, G.L. c. 30A, §§18-25, (OML) during the SB meeting on September 12, 2022.

Mr. Weeden violated G.L. c. 30A, §18 intentionally, knowingly allowed and encouraged the deliberation of Planning Board Members who simultaneously intentionally with preplanned formation of a QUORUM including members, MARY WAYGAN, KAREN FAULKNER & DENNIS BALZERINI during the Select Board Meeting of 09/12/22.

Mr. Weeden placed on the agenda an item of significant public importance and initially allowed for two members of the planning board to speak and present almost without interruption. Multiple incorrect statements and renderings including childlike, hand written drawings were used to communicate the complex and comprehensive 27 page MA Floodplain Bylaw 2020, which Planning Board Members Waygan, Faulkner and Balzerini had instructed the town Planner to enhance and alter.

Chair Weeden encouraged Mr. Balzerini to approach the microphone and speak, knowing that a quorum had been illegally formed and then allowed him to speak, and deliberate without opportunity for questions from the public. This undue influence on the Select Board, the public present at the meeting, the public watching at home, and now to the public watching the video recording have been intentionally misinformed by these harmful and illegal actions.

Prior to the Select Board meeting of 09/12/22, a haphazard, revised version of the MA Floodplain Bylaw 2020 was proposed for the Town Warrant as three separate, out of sync warrant articles. Upon learning of the overreach of the Planning Board on or around 08/22/22, repeated, written requests were submitted to the town planner and to town counsel, Atty, Patrick Costello for supporting data, conversations, information as to the relevance of the additions and alterations to the state approved bylaw. These requests have gone completely unanswered by Town Counsel and therefor have remained substantially unanswered, citing "privileged information" according to the Town Planner.

Confirming the 4 points of what constitutes a meeting are:

- 1) communication between or among members of a public body; - YES ON 09/12/22
- 2) does the communication constitute a deliberation; - AT THE 09/12/22 MEETING AND BETWEEN THE DATES OF 08/22/22 THROUGH 09/12/22
- 3) does the communication involve a matter within the body's jurisdiction; SIGNIFICANT BYLAW REQUIREMENTS TO BE PLACED ON THE TOWN WARRANT
- 4) if so, does the communication fall within an exception listed in the law? NOT AN EXCEPTION - Blatant and intentional disregard for the OML - by David Weeden and Mary Waygan, Karen Faulkner and Dennis Balzerini with their preplanned illegal Quorum presentation without open participation, and intentionally deliberations prior to this SB meeting.

Select Board Chair David Weeden intentionally, knowingly violated Open Meeting law G.L. c. 30A, §§18-25, on 09/12/22 at the SB mtg.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

1. Compel attendance at a training session authorized by the attorney general;
3. NULLIFY in WHOLE any/all action taken at the 09/12/22 Select Board meeting;
4. Compel that minutes, records or other materials relative to the MA Floodplain Bylaw 2020 changes, alterations by Town Counsel and the Planner & PB be made public;
5. prescribe other appropriate corrective actions relative to the private collaborations between David Weeden and Mary Waygan, Karen Faulkner and Dennis Balzerini.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____

Date: _____

09/18/22



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely and sign it. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address it. At the same time, the body must send the Attorney General a copy of the response. The public body may delegate this responsibility to its counsel or a staff member, but only after it has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with that the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, e-mail, or by hand, but only once you have waited for 30 days after filing the complaint with the public body.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by e-mail at openmeeting@state.ma.us.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Mary Last Name: LeClair

Address: _____

City: Mashpee State: Ma Zip Code: 02649

Phone Number: _____ Ext. _____

Email: _____

Organization or Media Affiliation (if any): none

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☒ Individual

☐ Organization

☐ Media

Public Body that is the subject of this complaint:

☒ City/Town

☐ County

☐ Regional/District

☐ State

Name of Public Body (including city/
town, county or region, if applicable): Mashpee Selectboard

Specific person(s), if any, you allege
committed the violation: Chair David Weeden

Date of alleged violation: 9/12/22

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Select Board Chair David Weeden's violation of the Open Meeting Law began with the loss of control of the Select Board meeting on 09/12/22 where he allowed disruptions from the audience which included outbursts that were offensive and disturbing. The chairman did not enforce public meeting rules and regulations.

Chair Weeden allowed preplanned deliberations by the planning board members in attendance, along with certain members of the audience which then made it impossible to have a successful, productive public meeting.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Education as to how to conduct a meeting in the right way. Make it clear that these preplanned deliberations, like those I witnessed by the planning board at this meeting are not acceptable and appear to be a violation of the open meeting law. This type of event is preventing Mashpee from moving forward.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

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By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____

Mary J. LeClair

Date: _____

9/16/22

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

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WASHPEE TOWN CLERK
SEP 16 '22 PM12:47