

Town of Mashpee

16 Great Neck Road North, Mashpee, MA 02649
ph: (508) 539-1400

April 28, 2014

AGENDA
BOARD OF SELECTMEN
MONDAY, APRIL 28, 2014

6:30 p.m. - Convene Meeting – Waquoit Meeting Room – Mashpee Town Hall

PLEDGE OF ALLEGIANCE
MOMENT OF SILENCE

MINUTES

Approval of the following:

Monday, April 7, 2014 – Regular Session and Executive Session
Friday, April 18, 2014 – Regular Session

APPOINTMENTS & HEARINGS

6:30 Public Comment
6:40 Public Hearing: New Seabury Resource Management, Inc., d/b/a The Lure:
- New Seasonal, All-Alcohol Restaurant License Application – 236 Shore Dr.

COMMUNICATIONS & CORRESPONDENCE

- Board of Selectmen Meeting Schedule
- Employers of National Guard and Reserve – Invitation to Employer Day Event
- U.S. Department of the Interior - Request to Extend Public Comment through 7/9/14

OLD BUSINESS

NEW BUSINESS

- Proclamation - Citizen of the Year Award
- Beach Concession Bid – Perry’s Last Stand, Year 3
- Mashpee Wampanoag Rod & Gun Club – 2 One-Day Licenses
- Appointment of Full-Time Member – Shellfish Commission

ADDITIONAL TOPICS

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

LIAISON REPORTS

EXECUTIVE SESSION

- Draft MOU – Wildlife Refuge

- Pending Litigation – South Cape Resort

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Present: Selectman Cahalane, Selectman Richardson, Selectman O’Hara, Selectman Taylor, Selectman Sherman
Town Manager Joyce Mason
Assistant Town Manager Tom Mayo

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

MINUTES:

Monday, April 7, 2014 Regular and Executive Session:

Motion made by Selectman Richardson to approve the Regular and Executive Session minutes of Monday, April 7, 2014 as presented.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Richardson, yes
Selectman O’Hara, yes	Selectman Taylor, yes
Selectman Sherman, yes	Opposed, none

Friday, April 18, 2014 Regular Session:

Motion made by Selectman Richardson to approve the Regular Session minutes of Friday, April 18, 2014 as presented.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Richardson, yes
Selectman O’Hara, yes	Selectman Taylor, yes
Selectman Sherman, yes	Opposed, none

APPOINTMENTS & HEARINGS:

Public Comment: None at this time.

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COMMUNICATIONS & CORRESPONDENCE:

Board of Selectmen Meeting Schedule:

The Board of Selectmen reviewed correspondence from the Selectmen’s Administrative Secretary dated April 14, 2014 relative to

the Selectmen's Meeting Schedule from June 2, 2014 through November 30, 2014. All meetings are scheduled to be held in the Waquoit Meeting Room at Mashpee Town Hall at 6:30 p.m. with the exception of Town Meeting to be held at the Mashpee High School on October 20, 2014.

Employers of National Guard and Reserve – Invitation to Employer Day Event:

Correspondence was received from William Hebert of the Massachusetts Committee for Employer Support of the Guard and Reserve dated April 11, 2014 inviting members of the Board of Selectmen to attend the "Employer Day" scheduled to be held on May 16, 2014 at the U.S. Coast Guard's Woods Hole facility on Cape Cod.

The Employer Outreach Program is scheduled on Friday, May 16th from 8:30 a.m. to 3:00 p.m. The event allows attendees the rare opportunity to tour the ANG and ARNG facilities and meet with military personnel and MA ESGR members in an informal setting. Response is requested no later than May 9, 2014.

Selectman Taylor indicated that he would attend this year's educational event on behalf of the Town of Mashpee.

U.S. Department of the Interior – Request to Extend Public Comment through 7/9/2014:

The Board of Selectmen was in receipt of communication from the Chatham Town Manager dated April 23, 2014 regarding the response received from the U.S. Fish & Wildlife Service to extend the public comment period on the Monomoy National Wildlife Refuge. The Chatham Board of Selectmen requested a letter of support from the Mashpee Board of Selectmen on this matter.

For informational purposes, it was noted the comment period relative to the draft comprehensive conservation plan/environmental impact statement (CCP/EIS) for the Monomoy National Wildlife Refuge is extended through July 9, 2014.

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NEW BUSINESS:

Proclamation – Citizen of the Year Award:

With appreciation, the Board of Selectmen voted to approve a Proclamation to honor Thomas O'Neill as Citizen of the Year.

Motion made by Selectman Taylor to approve and execute the Proclamation naming May 13, 2014 as Thomas J. O'Neill Day.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Richardson, yes
Selectman O'Hara, yes	Selectman Taylor, yes
Selectman Sherman, yes	Opposed, none

It was noted that Mr. O'Neill will be recognized for his dedication and service to the Mashpee community at the annual Chamber of Commerce dinner next month.

Beach Concession Bid – Perry's Last Stand, Year 3:

The Board of Selectmen reviewed Year 3 of a 3-Year bid from Winterbottom Ice Cream, LLC, d/b/a Perry's Last Stand, Jim and Mardie Winterbottom, Managers 2704 Cranberry Highway, Wareham for Beach Concessions (food and soft drink concessions) at the Mashpee Beaches.

The Mashpee Beaches include Attaquin Park, John's Pond Park and South Cape Beach. Perry's Last Stand is the highest bid for the three-year service period from Memorial Day weekend 2014 through Labor Day weekend 2014. The amount of the bid is \$4,917 payable on or before June 30, 2014.

Motion made by Selectman Taylor to accept the Year 3 bid from Perry's Last Stand as referenced, and re-bid for Beach Concessions after the duration of the three-year bid.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Richardson, yes
Selectman O'Hara, yes	Selectman Taylor, yes
Selectman Sherman, yes	Opposed, none

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NEW BUSINESS:

Appointment of Full-Time Member – Shellfish Commission:

Correspondence was received from Peter Thomas; Chair of the Mashpee Shellfish Commission dated April 16, 2014 recommending the appointment of Marcus Hendricks to the Shellfish Commission. The appointment would replace the vacancy created by the resignation of Perry Ellis.

Motion made by Selectman Sherman to appoint Marcus Hendricks to the Shellfish Commission as recommended.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Richardson, yes
Selectman O'Hara, yes	Selectman Taylor, yes
Selectman Sherman, yes	Opposed, none

LIAISON REPORTS:

Chamber of Commerce Networking: It was noted the Mashpee Chamber of Commerce is pleased with the monthly business after-hours events. The meetings have been well attended by Mashpee officials including many members of the Mashpee business community.

Mashpee Cares: As a reminder, a fundraiser is planned on May 2, 2014 to help raise funds for the construction of a therapeutic playground at the K.C. Coombs School. The Harlem Wizards is scheduled to play against the Mashpee High School along with faculty members and staff including Selectman Richardson.

The Annual Prescription Drug Return Day was held on April 26th at the Mashpee Police Department. Many residents dropped off unwanted and expired prescriptions in an effort to support the Mashpee community.

A community forum is scheduled on Thursday, May 29th at the Mashpee Library with Mashpee Cares and the Cape Cod Foundation partners collaborating on the development of a Cape-wide action program to raise awareness of the prescription drug issue.

Charter Review: A Public Hearing is scheduled on May 12, 2014 to review minor wording changes proposed to the Town Charter.

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LIAISON REPORTS:

Cape Cod Commission: At the April meeting of the Cape Cod Commission it was agreed that communications would be improved with the Town of Mashpee. This includes attendance at Board of Selectmen meetings.

Annual Town Meeting: The Special and Annual Town Meeting is scheduled to be held on Monday, May 5, 2014 at 7:00 p.m. at the Mashpee High School.

Mashpee Water & Sewer District: It was disclosed the Act to establish the Mashpee Water and Sewer District has been enacted by the Senate and House of Representatives. In accordance with the requirements of the Act; at the next annual election following the effective date of the Act, the Board of Water and Sewer Commissions shall place a special question on the ballot:

“Shall the voters approve an amendment to Chapter 136 of the Acts of 1987 (the law that created the Mashpee Water District) which will permit the Mashpee Water District to engage in wastewater operations as well as waterworks operations, and which will permit the Mashpee Water District to take over and operate hereafter the Town of Mashpee’s wastewater and sewer functions”.

This will give the Town ample time to review matters to accomplish the transfer.

APPOINTMENTS & HEARINGS:

Public Hearing – New Seabury Resource Management, Inc., d/b/a The Lure: New Seasonal, All-Alcohol Restaurant License Application, 236 Shore Drive, Mashpee:

The Board of Selectmen acting as the licensing authority for the Town of Mashpee opened the Public Hearing on the application of New Seabury Resource Management, Inc., d/b/a The Lure at Popponesset, 236 Shore Drive, Mashpee, Stephen T. Brennan, Manager for a New Seasonal All-Alcohol Restaurant License. Premises consist of a two-story building with tent awning, cocktail lounge, beach club, office and storage shed.

The Hearing notice was read aloud into the record in accordance with posting requirements. Stephen Brennan, Manager was in attendance to discuss the license application with the Board of Selectmen.

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APPOINTMENTS & HEARINGS:

Public Hearing – New Seabury Resource Management, Inc., d/b/a The Lure: New Seasonal, All-Alcohol Restaurant License Application, 236 Shore Drive, Mashpee: (continued)

The Lure at Popponesset has been considered the beach club as part of the Popponesset Inn, 252 Shore Drive West, Mashpee. However, due to the fact The Lure has a separate street number 236 Shore Drive, it is necessary for the entity to apply for a separate all-alcohol, seasonal liquor license. The applicant, New Seabury Resource Management is also requesting approval of a license for public entertainment on Sunday’s at the subject site location.

Entertainment is requested for dancing, line and recorded music from 1:00 p.m. to 12:00 p.m. It was disclosed the Board of Selectmen have restricted all Sunday Entertainment with live entertainment outside to 10:00 p.m. only.

All necessary paperwork is in order for the Board’s approval.

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

Motion made by Selectman Sherman to close the Public Hearing.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Richardson, yes
Selectman O'Hara, yes	Selectman Taylor, yes
Selectman Sherman, yes	Opposed, none

Motion made by Selectman Sherman to approve the application of New Seabury Resources Management, Inc., d/b/a The Lure at Popponeset, 236 Shore Drive, Mashpee, Stephen T. Brennan, Manager for a new Seasonal All-Alcohol Restaurant License to include live Sunday Entertainment; outdoors restricted to 10:00 p.m.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Richardson, yes
Selectman O'Hara, yes	Selectman Taylor, yes
Selectman Sherman, yes	Opposed, none

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NEW BUSINESS:

Mashpee Wampanoag Rod & Gun Club – 2 One-Day Licenses:

Correspondence was received from the Mashpee Wampanoag Rod & Gun Club dated April 7, 2014 requesting to use their liquor license on May 10, 2014 and June 14, 2014 for club functions.

Motion made by Selectman Taylor to approve the request of the Wampanoag Rod & Gun Club to use their liquor license on the dates of May 10th and June 14th, 2014 as referenced.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Richardson, yes
Selectman O'Hara, yes	Selectman Taylor, yes
Selectman Sherman, yes	Opposed, none

Adjournment:

Motion made by Selectman Taylor to adjourn at 6:47 p.m.

The Board will enter into Executive Session at this time for the purpose of discussing pending litigation relative to the South Cape Resort and the draft MOU relative to the Wildlife Refuge. The Board will not reconvene in Open Session.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Richardson, yes
Selectman O'Hara, yes	Selectman Taylor, yes
Selectman Sherman, yes	Opposed, none

Respectfully submitted,

Kathleen M. Soares
Secretary to the Board of Selectmen

IN THE MATTER OF EXECUTIVE SESSION

DATE: April 28, 2014

It is MOVED by: Selectman Taylor

That this governmental body hold an Executive Session.

A Roll was Called (see attached Roll Call).

The Clerk of this Executive Session was designated as:

Selectman O'Hara

A quorum being present and a Majority having voted to go into Executive Session, the Chair states that:

1. This meeting Convened in Open Session and
 - A. Notice and Posting of the Meeting was Given. OR (X)
 - B. The Meeting is an Emergency Meeting. ()

2. After the Executive Session, the Meeting
 - A. Will Reconvene. (X) B. Will Not Reconvene. ()

3. The Purpose or Purposes of this Executive Session are:
 - A. To deliberate upon matters involving Individuals where the Individuals involved have been notified in writing of the open meeting, and meeting and have not requested an Individual. regarding:
 1. The Reputation and Character of the Individual. ()
 2. The Physical Condition and Mental Health of the Individual. ()
 3. The Discipline or Dismissal of a Public Officer, Employee, Staff Member or Individual. ()
 4. A Complaint or Charge brought Against a Public Officer, Employee, Staff Member or individual. ()
 - B. To Deliberate upon Matters which, if done in Open Meeting, could Detrimentially Affect the Position of the City, and regarding:
 1. Collective Bargaining. ()
 2. Strategy with respect to Collective Bargaining. ()
 3. Strategy with respect to Litigation (X)
 4. The Purchase, Exchange, Lease or Value of Real Property. ()
 - C. To Deliberate Matters regarding:
 1. The Deployment of Security Personnel Devices ()
 2. Allegations of Criminal Misconduct ()
 - D. To Comply with the Provisions of a General Law or Special Law or Federal Grant in Aid Requirement, the Specific Law being:
_____ ()

4. All of the foregoing is hereby made part of the official Minutes of this Body. (X)