

**February 22, 2016**

**AGENDA  
BOARD OF SELECTMEN  
MONDAY, FEBRUARY 22, 2016**

**6:30 p.m. – Convene Meeting in Open Session – Waquoit Meeting Room – Mashpee Town Hall**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**MINUTES**

Approval of the following: Monday, January 25, 2016 Regular Session

**APPOINTMENTS & HEARINGS**

- 6:30 – Public Comment
- 6:40 – Mashpee TV update and renewal of contract
- 7:00 – Report of the Waste Management Committee
- 7:15 – Discussion of Affordable Housing Feasibility Assessment/950 Falmouth Road, Brian Kuchar

**COMMUNICATIONS & CORRESPONDENCE**

**OLD BUSINESS**

- Approval of recommendation for fee increase for collection of electronics at the Transfer Station, DPW Director

**NEW BUSINESS**

- Approval of Recommendation for Award of Fuel Contract, DPW Director
- Acceptance of resignation from the Zoning Board of Appeals – *Richard Jodka*
- Approval of appointment as alternate member on the Cape Cod Water Collaborative Committee – *F. Thomas Fudala*
- Review and execution of Order of Taking – *Anthony's Way*
- Review and execution of Order of Taking – *Sunset Strip, Noisy Hole Road, Claulise Lane and Wilann Road*
- Discussion reference to cell phone tower, Town Manager

- Review and approval of Town Manager's FY17 Budget recommendations

**ADDITIONAL TOPICS**

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

**LIAISON REPORTS**

**EXECUTIVE SESSION**

Board of Selectmen

Minutes

February 22, 2016

Present: Selectman Cahalane, Selectman Sherman, Selectman Gottlieb,  
Selectman O'Hara, Selectman Cotton  
Town Manager Rodney C. Collins

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

MINUTES

Monday, January 25, 2016 Regular Session:

**Motion made by Selectman O'Hara to approve the Regular Session minutes of Monday, January 25, 2016 as presented.**

**Motion seconded by Selectman Sherman.**

**VOTE: Unanimous. 4-0.**

**Roll Call Vote:**

**Selectman Cahalane, yes Selectman Sherman, yes Selectman Gottlieb, yes  
Selectman O'Hara, yes Selectman Cotton absent for vote**

APPOINTMENTS & HEARINGS

Public Comment:

Mike Richardson of 47 Slice Way, Mashpee commented on waste management, a discussion to be considered by the Selectmen this evening. Mr. Richardson indicated in the United States, the disposal of waste is a \$384 billion dollar expense. This is a costly endeavor, and areas to dispose of waste are becoming limited. Mr. Richardson stated in Mashpee Transfer Station sticker sales have decreased by 10%, and the disposal of solid waste has increased by 5%. There is little recycling. Residents dispose of more trash than recycling. Mr. Richardson indicated there is a tremendous cost savings with recycling, and the Town should react sooner than later to avoid being told what to do on this matter.

Board of Selectmen  
Minutes  
February 22, 2016

APPOINTMENTS & HEARINGS

Mashpee TV update and renewal of contract:

Wayne Taylor, the Town's liaison to Mashpee TV was in attendance with Bill Nay, MTV Station Manager to request the Board renew the Agreement between the Town and Mashpee Community Media Center, Inc. for an additional three years. The contract is due to expire on May 20, 2016.

To date there have been extensive upgrades at Town Hall to enhance the Channel 18-Government Channel. With the installation of a new program server, the Town can expect more programming on Channel 18. All major events within the Town are being covered and aired on the Educational Channel, Channel 22.

It was noted recently, there were issues in the system that have been attributed to Comcast wiring, not MTV. The Board of Selectmen expressed appreciation to the success of Mashpee TV given the past difficulties in securing a contract for cablecasting services. Since this time, there have been no negative comments on the operation or services.

**Motion made by Selectman Sherman to approve the Agreement between the Town of Mashpee and Mashpee Community Media Center, Inc. for the production and cablecasting of Public, Education and Government Access programming commencing on May 21, 2016 and expiring May 20, 2019.**

**Motion seconded by Selectman O'Hara.**

**VOTE: Unanimous. 4-0.**

**Roll Call Vote:**

**Selectman Cahalane, yes Selectman Sherman, yes Selectman Gottlieb, yes  
Selectman O'Hara, yes Selectman Cotton absent for vote**

Selectman Cotton present.

Report of the Waste Management Committee:

Waste Management Committee members Selectman O'Hara and Andrew McKelvey reviewed the report of the Waste Management Committee as outlined in the committee's minutes of December 14, 2015. Discussion followed with respect to the disposal of trash and recycling. There is concern the Town is generating increased waste, and there have been no significant improvements in the recycling initiative.

It was agreed the recycling program should be enhanced with continued education and signage. The pay-as-you-throw (PAYT) approach is also an effective method to reduce waste and it produces a cost savings incentive for recycling. During this review, a low-income discount was considered.

Board of Selectmen  
Minutes  
February 22, 2016

APPOINTMENTS & HEARINGS

Report of the Waste Management Committee: (continued)

The Board of Selectmen reviewed waste management in detail and took the following action on the recommendations set forth by the Waste Management Committee;

Recommendation to set a Bag Limitation:

**Motion made by Selectman Cotton to support a bag limitation of (5) 40# bags per trip to be enforced at the Transfer Station gate.**

**Motion seconded by Selectman O'Hara.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

**Selectman Cahalane, yes Selectman Sherman, yes Selectman Gottlieb, yes  
Selectman O'Hara, yes Selectman Cotton, yes Opposed, none**

Recommendation to Establish a Low-Income Sticker: Fee to be set by the Board of Selectmen:

It was agreed the recommendation to establish a low-income sticker fee be further reviewed. The Town Manager was directed to assess this matter in terms of operational costs and procedures with the Director of Public Works, and report to the Board. To subsidize a low-income sticker fee, the rate may be required to be increased for other users. The matter was taken under advisement at this time.

Recommendation to Require a Recycling Sticker: Fee to be determined by Board of Selectmen:

Currently, those using the Transfer Station are required to show proof of residence or property ownership to recycle.

**Motion made by Selectman Gottlieb to Require a Recycle Sticker to access the Transfer Station facility effective July 1, 2016. The fee shall be determined by the Board of Selectmen.**

**Motion seconded by Selectman Cahalane.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

**Selectman Cahalane, yes Selectman Sherman, yes Selectman Gottlieb, yes  
Selectman O'Hara, yes Selectman Cotton, yes Opposed, none**

Additionally, it was recommended that traffic be redirected to require residents to stop at the recycling bins before they are able to dispose of waste items. It was also suggested that a percentage of the sticker fee be earmarked for operational costs. Presently, monies are deposited into the General Fund.

Board of Selectmen  
Minutes  
February 22, 2016

#### APPOINTMENTS & HEARINGS

Report of the Waste Management Committee: (continued)

Recommendation to Not Implement the PAYT at this time:

By a vote of 6-2, the Waste Management Committee recommended the PAYT not be implemented at this time. The Board of Selectmen agreed to revisit this topic for consideration as a ballot referendum.

Recommendation to Establish an Enterprise Fund for the Transfer Station:

The Board of Selectmen agreed to further review this recommendation.

Recommendation to Continue Education on the Benefits of Recycling:

Recommendation to Increase the Signage at the Transfer Station:

It was suggested that added signage with bold lettering further define the benefits of recycling and the costs associated to the disposal of waste be incorporated at the Transfer Station site to promote awareness. In addition new initiatives to educate the public, and staff members was recommended to be included in the recycling campaign.

**Motion made by Selectman Cahalane to continue the Education program, and further develop new methods to educate on the benefits of recycling including defining costs associated to the disposal of bulky waste.**

**Motion seconded by Selectman Cotton.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

**Selectman Cahalane, yes Selectman Sherman, yes Selectman Gottlieb, yes  
Selectman O'Hara, yes Selectman Cotton, yes Opposed, none**

Recommendation to explore option to maintain a Dual System with Status Quo; Withdrawn:

There was not action with respect to this regard.

PAYT – Possible Ballot Referendum:

Discussion followed with respect to studying this matter for one-year to further define operational costs and savings before re-presenting the PAYT ballot question to the voters. Waste Management Committee member Andrew McKelvey suggested the PAYT be considered as a binding referendum with adequate education prior to putting this decision before the voters.

It was agreed the Town would digest this information, and revisit this matter again in early March.

Board of Selectmen

Minutes

February 22, 2016

Discussion of Affordable Housing Feasibility Assessment/950 Falmouth Road, Brian Kuchar:

Brian Kuchar of the Horsley Witten Group discussed preliminary findings relative to the feasibility assessment of three Town-owned parcels located at the 950 Falmouth Road site location. Mr. Kuchar indicated the initial study evaluates the potential for the development of affordable housing at the properties. The analysis includes a summary of existing site conditions, constraints, zoning, and recommendations for both site access and infrastructure.

The parcels are referenced as Lot A; Map 93, Parcel 6 comprised of 2.49 acres, Lot B; Map 93 Parcel 7 3.26 acres and Lot C; Map 94, Parcel 7.08 acres. Mr. Kuchar stated that preliminary findings place Lot C as an area to delineate for the purpose of mitigation and natural heritage. All three parcels have been mapped as priority habitat of rare species, as estimated habitat of rare wildlife and certified vernal pools. Minimizing the disturbance to natural vegetation to Lot C will lessen impacts to the Eastern Box Turtle Habitat.

The total developable acreage is 3.65 acres. Mr. Kuchar has estimated the site would allow for 63 bedrooms based on Title V regulations. It was noted that opportunities for the disposal of waste have been considered on site for the short term. However the long term scenario has not been determined.

A wastewater treatment facility would allow for the increase in the number of bedrooms. At this time, one single building is envisioned. Due to zoning requirements there are height restrictions.

With a full study, the wastewater option would be further reviewed in detail. Mr. Kuchar recommended the Town consider a full study for the 950 Falmouth Road site. With authorization, cost assumptions for the study would be disclosed.

OLD BUSINESS

Approval of recommendation for fee increase for collection of electronics at the Transfer Station, DPW Director:

Catherine Laurent, DPW Director was in attendance to recommend the Board increase the fees at the Transfer Station for the collection of electronics. The fee increases were outlined in a memorandum addressed to the Selectmen dated January 19, 2016. Ms. Laurent indicated the fee is intended to cover the cost to the Town of recycling electronics and televisions. There is no additional cost to the Town for the fee increase.

**Motion made by Selectman Gottlieb to authorize the Fee Increase for the Collection of Electronics as referenced effective July 1, 2016.**

**Motion seconded by Selectman Cotton.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

**Selectman Cahalane, yes Selectman Sherman, yes Selectman Gottlieb, yes  
Selectman O'Hara, yes Selectman Cotton, yes Opposed, none**

Board of Selectmen  
Minutes  
February 22, 2016

NEW BUSINESS

Approval of Recommendation for Award of Fuel Contract, DPW Director:

Catherine Laurent, Director of Public Works was in attendance to recommend the Board award the FY17 Fuel Contract to Noonan Brothers Petroleum, Inc. for the purchase of both unleaded gasoline at \$1.387 per gallon and diesel at \$1.415 per gallon. The Town solicited the bid through a regional bid process. The costs for supply include transportation, but do not include state tax and fees projected at an additional \$0.21 to \$0.22 per gallon.

**Motion made by Selectman Gottlieb to award the FY17 Fuel Contract to Noonan Brothers Petroleum, Inc. as referenced.**

**Motion seconded by Selectman Cotton.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

**Selectman Cahalane, yes Selectman Sherman, yes Selectman Gottlieb, yes  
Selectman O'Hara, yes Selectman Cotton, yes Opposed, none**

Acceptance of resignation from the Zoning Board of Appeals – Richard Jodka:

Correspondence was received from Richard Jodka dated December 22, 2015 resigning from the Zoning Board of Appeals effective immediately.

**Motion made by Selectman Gottlieb to accept the resignation of Richard Jodka from the Zoning Board of Appeals with regret, sending a letter of appreciation to Mr. Jodka for his service to the Town of Mashpee.**

**Motion seconded by Selectman Sherman.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

**Selectman Cahalane, yes Selectman Sherman, yes Selectman Gottlieb, yes  
Selectman O'Hara, yes Selectman Cotton, yes Opposed, none**

Board of Selectmen  
Minutes  
February 22, 2016

Approval of appointment as alternate member on the Cape Cod Water Collaborative Committee – F. Thomas Fudala:

Selectman Gottlieb serves as Executive Director of Cape Cod Water Collaborative, and to avoid the potential for a conflict of interest Mr. Gottlieb recused himself from discussing this matter.

A brief discussion followed with regards to the request to appoint Thomas Fudala as the alternate member of the Cape Cod Collaborative. It was noted that Selectmen O'Hara serves as the representing member, and due to business obligations is not always able to attend the membership meetings.

**Motion made by Selectman Cahalane to appoint F. Thomas Fudala as the Alternate Member to the Cape Cod Water Collaborative.**

**Motion seconded by Selectman O'Hara.**

**VOTE: Unanimous. 4-0-1.**

**Roll Call Vote:**

**Selectman Cahalane, yes Selectman Sherman, yes Selectman Gottlieb, abstained  
Selectman O'Hara, yes Selectman Cotton, yes Opposed, none**

Review and execution of Order of Taking – Anthony's Way:

The Order of Taking to accept the layout of Anthony's Way as a public way was presented to the Board of Selectmen for execution. The layout was accepted by a vote of Town Meeting held on October 19, 2015. The betterment costs associated to each property owner is \$6,445.95. There were no letters of concern with respect to this regard.

**Motion made by Selectman Gottlieb to execute the Order of Taking and approve the associated Betterments relative to Anthony's Way as referenced.**

**Motion seconded by Selectman Sherman.**

**VOTE: 5-0.**

**Roll Call Vote:**

**Selectman Cahalane, yes Selectman Sherman, yes Selectman Gottlieb, yes  
Selectman O'Hara, yes Selectman Cotton, yes Opposed, none**

Board of Selectmen  
Minutes  
February 22, 2016

Review and execution of Order of Taking – Sunset Strip, Noisy Hole Road, Claulise Lane and Wilann Road:

The Board of Selectmen reviewed the Order of Taking approved by a vote of the October 19, 2015 Town Meeting relative to the acceptance of the layout of Sunset Strip, Noisy Hole Road, Claulise Lane and Wilann Road. The betterment assessed to each property owner is \$11,259.84. There were no letters of concern regarding this Taking.

**Motion made by Selectman Gottlieb to execute the Order of Taking and approve the associated Betterments relative to Sunset Strip, Noisy Hole Road, Claulise Lane and Wilann Road as referenced.**

**Motion seconded by Selectman O’Hara.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

**Selectman Cahalane, yes Selectman Sherman, yes Selectman Gottlieb, yes  
Selectman O’Hara, yes Selectman Cotton, yes Opposed, none**

Discussion reference to cell phone tower. Town Manager:

To enhance the service in South Mashpee, the Town Manager recommended the Board move forward to explore the option to place a cell phone tower at Fire Substation 2 located on Red Brook Road, Mashpee. All findings would be reported to the full Board. It was noted this initiative was previously considered favorably by the Town.

**Motion made by Selectman Cotton to approve the recommendation of the Town Manager to review the potential to locate a cell phone tower on Town property located at the Fire Substation as referenced.**

**Motion seconded by Selectman O’Hara.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

**Selectman Cahalane, yes Selectman Sherman, yes Selectman Gottlieb, yes  
Selectman O’Hara, yes Selectman Cotton, yes Opposed, none**

Board of Selectmen  
Minutes  
February 22, 2016

Review and approval of Town Manager’s FY17 Budget recommendations:

Rodney Collins, the Town Manager reviewed his operating budget recommendation for fiscal year 2017. The \$54,732,567 budget is reflective of a modest increase of 1.7% over last year. Dawn Thayer, the Finance Director was in attendance for discussion purposes. Mr. Collins complimented his Financial Team consisting of the

Finance Director, the Director of Assessing and Treasurer/Tax Collector for their collaboration and support in developing an operational budget framework.

Mr. Collins reported there are no significant staff increases. To offset the creation of a Department of Natural Resources and Director of DNR, the staffing level is reduced by two full-time positions, one at the Police Department, the other at the Fire Department. It was explained that some of the increased items in the new budget contain funding for overtime necessary to prevent unfunded liability. The departments with an overtime account include the Police, Fire and Health Departments.

Additional budget growth modestly adds funding for professional development to ensure staff members continue to sharpen their knowledge. Other increases will support contractually driven wages, merit steps and cola.

And lastly, as a compromise with the Library and its Board of Trustee's, the budget has been amended by an additional \$24,000. Reductions have been made to move forward with this endeavor. In cooperation, the Board of Trustees have agreed to withdraw their petition article from the May warrant.

#### LIAISON REPORTS

Joint Base Cape Cod Committee – It was reported the military base (JBCC) is now moving forward with plans to conduct a feasibility study for a regional wastewater treatment facility at Joint Base Cape Cod. In the process, each representing military unit is required to sign-off on ownership. The Base is expected to improve the existing system at their cost, and seek an independent agent to operate the system. In the regional process, neighboring towns will be invited to tie-in to the system. It was noted this action is a component of the Town of Mashpee's Comprehensive Wastewater Management Plan.

Special Events – A Mashpee student is expected to receive his Eagle Scout merit of honor, and other Boy Scouts are in the process of nomination. It was agreed a Selectmen member would attend the ceremony and present the award for this achievement.

Waterways – Maintenance dredging is planned to move forward in Popponesset Bay in early March to allow for cleared boating access in the upcoming season.

Human Services – The annual Human Services "Thanks for Giving" awards will be held in March. The event should be advertised soon.

Board of Selectmen  
Minutes  
February 22, 2016

#### ADJOURNMENT

**Motion made by Selectman Sherman to adjourn at 8:04 p.m.**

**Motion seconded by Selectman O'Hara.**

**VOTE: Unanimous. 5-0.**

#### **Roll Call Vote:**

**Selectman Cahalane, yes Selectman Sherman, yes Selectman Gottlieb, yes  
Selectman O'Hara, yes Selectman Cotton, yes Opposed, none**

Respectfully submitted,

Kathleen M. Soares

Secretary to the Board of Selectmen