

**October 5, 2015**

**AGENDA  
BOARD OF SELECTMEN  
MONDAY, OCTOBER 5, 2015**

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

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**EXECUTIVE SESSION**

6:30 - To discuss strategy relative to pending litigation in the matter of John and Jane Doe et al v. Mashpee School Committee et al, upon declaration by the Chairman that an open meeting would have a detrimental effect on the Town's litigating position (G.L. c.30A, §21 (3)).

**MINUTES**

Approval of the following: Monday, September 28, 2015 Regular Session

**APPOINTMENTS & HEARINGS**

7:00 – Public Comment

**COMMUNICATIONS & CORRESPONDENCE**

**NEW BUSINESS**

- Approval of Special Events Application, "Screech at the Beach" Road Race, October 31, 2015 – Boys & Girls Club of Cape Cod
- Approval of One-Day Liquor License, change of event date – Mashpee Kiwanis/Oktoberfest
- Approval of Petition/Plan #103860, dated August 20, 2015, for placement of new conduit/pole on

Quinaquisset Avenue, East of Brewster Road – NStar Electric dba Eversource Energy

- Wampanoag Tribe Land In Trust Determination; Request for Department of Interior Section 81 Review/Approval of Intergovernmental Agreement

**OLD BUSINESS**

- Approval of Application for Class II License – Aaron Bornstein, 104 Falmouth Road, Mashpee

- Update on goals and objectives – Town Manager

**ADDITIONAL TOPICS**

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

**LIAISON REPORTS**

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Present: Selectman Cahalane, Selectman Sherman, Selectman Gottlieb,  
Selectman O’Hara, Selectman Cotton  
Town Manager Rodney C. Collins  
Assistant Town Manager Tom Mayo

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

**EXECUTIVE SESSION**

**Motion made by Selectman Gottlieb to enter into Executive Session to discuss strategy relative to pending litigation in the matter of John and Jane Doe et al v. Mashpee School Committee et al, upon declaration by the Chairman that an open meeting would have a detrimental effect on the Town’s litigating position (G.L. c.30A, §21 (3)). The Board will reconvene in approximately one half hour.**

**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**

Respectfully submitted,

Kathleen M. Soares  
Secretary to the Board of Selectmen

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Meeting Re-convened: 7:09 p.m.

MINUTES

Monday, September 28, 2015 Regular Session:

**Motion made by Selectman Sherman to approve the minutes of Monday, September 28, 2015 as presented.**

**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**

APPOINTMENTS & HEARINGS

Public Comment: None at this time.

COMMUNICATIONS & CORRESPONDENCE

Holiday Lighting at the Mashpee Rotary:

With regards to the matter of the holiday lighting display at the Mashpee Rotary, Town Manager Collins indicated the Mashpee Chamber of Commerce is expected to continue the tradition, and take responsibility by assuming costs associated to the installation and dismantling process.

At the last Board of Selectmen's Meeting, the Mashpee Pops Committee revealed they would not be continuing their sponsorship for this undertaking.

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NEW BUSINESS

Approval of Special Events Application, "Screech at the Beach" Road Race, October 31, 2015 – Boys & Girls Club of Cape Cod:

Jim Kiley, Race Director for the “Screech at the Beach” Road Race was in attendance to discuss specifics associated to the Special Events Application. The annual event is sponsored by the Boys & Girls Club of Cape Cod as a fundraiser, and planned to be held on October 31, 2015.

The 5k road race and kid’s fun run (1 mile) begins and ends at entrance to the Popponeset Inn. A map of the race was included in the application and all applicable regulatory departments have signed off on the function scheduled to begin at 10:30 a.m.

**Motion made by Selectman Sherman to approve the Special Events Application of the Boys & Girls Club of Cape Cod for the annual “Screech at the Beach” Road Race scheduled to be held on October 31, 2015.**

**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**

Approval of One-Day Liquor License, Change of Event Date – Mashpee Kiwanis/Oktoberfest:

Theresa Cook was in attendance representing the Mashpee Kiwanis Club of Mashpee to request the Board of Selectmen approve a change of venue for the annual Kiwanis/Oktoberfest due to unexpected weather conditions. Mrs. Cook presented an updated liquor liability policy to the Board of Selectmen for the sale of wine & malt beverages. There is no change of plans from the previous date of October 3, 2015. The event will be held at the Village Green on Steeple Street in Mashpee Commons.

It was noted the annual Mashpee Oktoberfest has been re-scheduled to Saturday, October 10, 2015.

**Motion made by Selectman Gottlieb to approve the Special Events Application of the Mashpee Kiwanis Club for a One-Day Wine & Malt License on October 10, 2015.**

**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**

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NEW BUSINESS

Approval of Petition/Plan #103860, dated August 20, 2015, for Placement of New Conduit/Pole on Quinaquisset Avenue, East of Brewster Road – NStar Electric d/b/a Eversource Energy:

Tom Mayo, Assistant Town Manager and Hearing Officer for the Utility Pole Hearing, an application of Eversource Energy for the installation of (1) 4” conduit and (1) handhole on Quinaquisset Avenue east of Brewster Road, Mashpee briefly discussed the hearing and conditions imposed by the Director of Public Works. Mr. Mayo recommended approval with the conditions imposed by the DPW Director.

**Motion made by Selectman Sherman to approve the Petition #103860 from Eversource Energy as referenced pending the conditions imposed by the DPW Director; the applicant is required to obtain a curb cut permit, and any further questions regarding this matter be directed to the Director of Public Works.**

**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**

Wampanoag Tribe Land In Trust Determination; Request for Department of Interior Section 81 Review/Approval of Intergovernmental Agreement:

On behalf of the Town of Mashpee, Town Counsel Patrick Costello congratulated the Mashpee Wampanoag Indian Tribe on their achievement with respect to the outcome of its trust application.

As a result of this endeavor, Town Counsel recommended the Board of Selectmen move forward to pursue a procedural matter between the Town of Mashpee and Wampanoag Tribal Council at this time.

Town Counsel indicated when the Town of Mashpee submitted the Intergovernmental Agreement (IGA) to the Secretary of the Interior for approval in 2008, the Secretary stated that the IGA appeared to meet the standards for approval pursuant to Section 81, but a formal legal decision was not obtained at that time because the trust acquisition had not yet occurred. At the time of the Agreement when negotiated, there were no lands in trust.

With the Tribe's Record of Decision issued by the Secretary, Town Counsel recommended the IGA be jointly sought to provide Secretarial approval of the IGA to bring forth a strong foundation between the Town and Tribe and to prevent any delays in the Tribe's development efforts.

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Wampanoag Tribe Land In Trust Determination; Request for Department of Interior Section 81 Review/Approval of Intergovernmental Agreement: (continued)

A draft joint Resolution for the Town and Tribe was prepared by Town Counsel to reiterate the Town of Mashpee's and Wampanoag Tribe's continued commitment to fulfilling the mutual obligations set forth in the IGA and associated agreements. Included in the draft Resolution for the Mashpee Wampanoag Tribal Council was a letter dated October 5, 2015 with respect to this regard to Cedric Cromwell, Chair of the Mashpee Wampanoag Tribal Council.

Town Counsel recommended the Board of Selectmen adopt the Mashpee Board of Selectmen Resolution to the 2008 Intergovernmental Agreement, and to request the Department of Interior approve the IGA and associated agreements pursuant to Section 81.

**Motion made by Selectman Gottlieb to authorize the Chairman of the Board of Selectmen to execute the letter of October 5, 2015 and send the draft Resolution to the Wampanoag Tribal Council, and further to accept the Mashpee Board of Selectmen Resolution as proposed.**

**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**

Approval of Application for Class II License – Aaron Bornstein, 104 Falmouth Road, Mashpee:

The Board of Selectmen opened the Public Hearing continued from June 29, 2015 on the Application of Aaron Bornstein to operate a Class II Dealer's License at Cape Cod Custom Car Storage, LLC, located at 104 Falmouth Road, Mashpee.

The Board of Selectmen continued the Hearing to await any pending regulatory changes, and until the Selectmen would have a full restitution of what is planned at the site location. The Special Permit Modification decision document was approved by the Board of Appeals on September 16, 2015. The matter at this time lies within the 21 day appeal period.

Stuart Bornstein was in attendance to discuss the license application with the Board of Selectmen.

Selectman Gottlieb related concern acting as a licensing authority with respect to the nature of the application as the information listed is unclear and appears to be conflicting. It was noted the business certificate lists Stuart Bornstein as the owner. Aaron Bornstein is listed as the applicant. However, Aaron Bornstein's name does not appear on the business certificate. The misinformation makes the application unclear with respect to proper filing.

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#### OLD BUSINESS

##### Approval of Application for Class II License – Aaron Bornstein, 104 Falmouth Road, Mashpee:

For clarification Mr. Bornstein indicated that he is an owner, and his son Aaron also serves as an owner. Both father and son serve on the corporate board of Cape Cod Custom Car Storage, LLC.

Town Counsel further explained the applicant; Cape Cod Custom Car Storage under their LLC has the ability to authorize its manager to act on its behalf. This includes legal authorization to seek permits.

Being no further comment, the Board closed the Public Hearing.

**Motion made by Selectman O'Hara to approve the Application of Aaron Bornstein to operate a Class II Dealer's License at Cape Cod Custom Car Storage, LLC, located at 104 Falmouth Road, Mashpee contingent upon no appeal being filed on the special permit.**

**Motion seconded by Selectman Sherman.**

**VOTE: 4-1. Motion carries.**

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

**Selectman Cahalane, yes Selectman Sherman, yes  
Selectman Gottlieb, no Selectman O'Hara, yes  
Selectman Cotton, yes Opposed, (1)**

##### Update on Goals and Objectives – Town Manager:

The Goals and Objectives of the Town Manager for 2015-16 were distributed to the Selectmen at their last meeting. Having no corrections, the Board acted as follows;

**Motion made by Selectman Gottlieb to approve the Town Manager's Goals & Objectives for 2015-16 as presented.**

**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**

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LIAISON REPORTS

Special Events: *Meet Mashpee Community Leaders*, an event sponsored by the Mashpee Chamber of Commerce will be held on October 15, 2015 at Bobby Byrne's Pub in Mashpee Commons from 8:00 a.m. until 9:30 a.m. Guest speakers at the breakfast include the Town Manager Rodney Collins, Mashpee's Fire Chief Tom Rullo, Scott Carline the Chief of Police and Catherine Laurent the Director of Public Works.

Adjournment:

**Motion made by Selectman Gottlieb to adjourn at 7:29 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