

Select Board Agenda February 13, 2023



**AGENDA**  
**SELECT BOARD**  
**MONDAY, FEBRUARY 13, 2023**  
**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.mashpee.ma.gov/channel-18>\***

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

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**MINUTES**

Approval of the Following Minutes:

Monday, January 9, 2023 Regular Session (Amended);

Monday, January 23, 2023 Regular Session

**APPOINTMENTS & HEARINGS**

- Public Comment
- 6:35 Public Hearing: New Livery, Vehicle for Hire Service Application, Amy Perry Erickson
- 6:40 Public Hearing: New KENO License Application, Shree Kamakya Devi, Inc dba Mashpee Mini Mart, Subodh Basnet
- Discussion and Possible Approval of Special Event Application:  
Mashpee Half-Marathon, September 23, 2023: *Jeffrey Smith*
- Discussion and Approval of Hazard Mitigation Planning Committee
- Introduction and Discussion with the Town Health Agent: *Health Agent Zachary Seabury*
- Discussion and Approval of Appointment of Shellfish Constable Christopher Avis
- Discussion and Approval of the Following Appointment:  
Economic Development Industrial Corporation *Commercial Rep.*, (Term Expires June 30, 2023): *Rick Cayer*

**COMMUNICATIONS & CORRESPONDENCE**

**OLD BUSINESS**

- Discussion, Approval and Ratification of Save Popponesett Bay, Inc and Town of Mashpee Easement

**NEW BUSINESS**

- Discussion of Future Election Locations: *Town Clerk Deborah Kaye*
- Discussion of Charter Review Process and Charter Review Committee
- Update on Fiscal Year 2024 Capital Improvement Program Plan: *Town Manager Rodney Collins*
- Discussion of Joint Meetings with Regard to Water Quality

**ADDITIONAL TOPICS**

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

**LIAISON REPORTS**

**WATER QUALITY UPDATES**

**TOWN MANAGER UPDATES**

**EXECUTIVE SESSION**

**ADJOURNMENT**

**MASHPEE TOWN CLERK**  
**FEB 9 '23 PM4:19**



**AGENDA**  
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**MONDAY, JANUARY 9, 2023**  
**WAQUOIT MEETING ROOM**  
**MASHPEE TOWN HALL**  
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**6:30 p.m. – Convene Meeting in Open Session**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**MINUTES**

Approval of the Following Minutes: Monday, December 19, 2022 Regular & Executive Sessions

**APPOINTMENTS & HEARINGS**

- Public Comment
- 6:35 p.m. Public Hearing – Retail Alcoholic Beverages License Amendment Application, Change of Manager: *QVCC Inc. dba Quashnet Valley Country Club*
- Pole Hearing – Verizon/ Eversource Petition #MA 2022-31 for Red Brook Road (875 feet west of centerline of Brian's Lane)
- Discussion and Approval of 2023 Seasonal Population Estimate: *Town Planner Evan Lehrer*
- Discussion and Possible Action on Community Preservation Act Committee Disc Golf Application: *Drew McManus*
- Presentation and Discussion of Potential Bylaw Amendment Warrant Article with Regard to Horsepower and Speed Restrictions on Santuit Pond: *Department of Natural Resources Director Ashley Fisher; Fuss & O'Neill Representatives*
- Discussion and Approval of the Following Resignations:
  - Community Preservation Act Committee: *Dawn M. Thayer, Member At-Large, Resignation to be Effective February 13, 2023 (Term Expires June 30, 2023)*
  - Council on Aging: *Virginia McIntyre, Member At-Large (Term Expires June 30, 2024)*
  - Planning and Construction Committee: *Joseph Brait, Construction Representative (Term Expires June 30, 2023)*

**COMMUNICATIONS & CORRESPONDENCE**

**NEW BUSINESS**

**OLD BUSINESS**

Discussion and Approval of Letter to the Sandwich Board of Selectmen with Regard to the NSG Village Green-1 Project (Continued from December 19, 2022 Meeting)

**ADDITIONAL TOPICS**

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

**LIAISON REPORTS**

**WATER QUALITY UPDATES**

- Discussion and Approval of Select Board Representative: *Cape Cod Water Protection Management Board*
- Discussion and Approval of Select Board Representative: *Intermunicipal Agreement Popponesset Watershed*
- Discussion and Approval of Letter to Support Special Legislation with Regard to Joint Base Cape Cod Wastewater Solutions

**TOWN MANAGER UPDATES**

**EXECUTIVE SESSION**

**ADJOURNMENT**

Mashpee Select Board  
Minutes  
January 9, 2023

---

Present: Selectman David W. Weeden, Selectman John J. Cotton, Selectman Thomas F. O'Hara  
Selectman Carol A. Sherman, Selectman Michaela Wyman-Colombo  
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, December 19, 2022 Regular & Executive Sessions:

**Motion made by Selectman Cotton to approve the Regular Session minutes of Monday; December 19, 2022 as presented.**

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

**VOTE: Unanimous. 3-0-2.**

**Roll Call Vote:**

Selectman Weeden, abstained	Selectman Cotton, yes	Selectman O'Hara, yes
Selectman Sherman, abstained	Selectman Wyman-Colombo, yes	Opposed, none

**Motion made by Selectman Cotton to approve the Executive Session minutes of Monday; December 19, 2022 as presented.**

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

**VOTE: Unanimous. 3-0-2.**

**Roll Call Vote:**

Selectman Weeden, abstained	Selectman Cotton, yes	Selectman O'Hara, yes
Selectman Sherman, abstained	Selectman Wyman-Colombo, yes	Opposed, none

## APPOINTMENTS & HEARINGS

### Public Comment:

Richard Klein commented on a recent article which appeared in the *New York Times* about Mashpee and its water conditions. Mr. Klein made note of a former presentation made by the late Dr. Brian Howes on the dire state of Mashpee waters due to nitrogen impairment. To progress on a faster pace Mr. Klein recommended the Town move forward with a moratorium on Title V systems to allow for rejuvenation with less nitrogen input.

Allen Waxman: Mr. Waxman's comments were held for the Santuit Pond discussion.

Susan Dangel a resident of Cotuit Road and President of the Save Mashpee Wakeby Pond Alliance commented on a somber note about Mashpee waters as the towns primary natural resource. Water and housing are the highest priorities facing the Mashpee community. Ms. Dangel indicated the Town of Mashpee has reached a milestone with wastewater. However, the *New York Times* article has exposed Mashpee as a toxic stew to a worldwide audience.

Mashpee Select Board  
Minutes  
January 9, 2023

---

## APPOINTMENTS & HEARINGS

### Public Comment: (continued)

Ms. Dangel informed the Board that Mashpee environmental groups have gathered to discuss this crisis. The Town has made momentum in 2021 with a unanimous vote to approve sewerage, but we seem to be floundering. It is essential for the various groups to work in concert to be successful in cleaning our waters. Previously, the Select Board held several round table discussions, however, there have not been any further round table gatherings. There appears to be too much confusion over articles and the impacts. Our citizens are confused.

Ms. Dangel indicated the key is having reliable information, and the Town needs to provide it. At a recent Sewer Commission meeting there were discussions regarding the changes to the wastewater phases. It was stated a new study may take 1.5 to 2 years to complete. Thereafter it is the design phase, and then the funding. These decisions are delaying the entire project. With new and stringent regulations imposed by the DEP, we must do better, we must move faster, and we need to understand our goals. Can we adhere to a 75% reduction in 20 years? Ms. Dangel urged the Select Board to follow their lead as time is of the essence.

George Schmidt: Comments were deferred for the Santuit Pond discussion.

Mary Waygan, Ashumet Road announced a forum is being sponsored by the Salty Sport Fishing Club on Wednesday, January 11, 2023 regarding the plan of Holtec to discharge waste from the nuclear power plant into Cape Cod Bay. The meeting will be held at the Yarmouth Senior Center at 6:30 p.m. All are welcome.

Ms. Waygan also offered comment on the recent *New York Times* article and is seriously concerned the Town of Mashpee is being branded as a smelly place. It is hopeful the Town will declare 2023 as Mashpee's Clean Water Area by sewerage, imposing stronger stormwater management, and other initiatives such as fertilizer use, low impact development, setbacks, etc.

Brian Everett: deferred comment.

Paul Cononi: deferred comment.

Jason Fisher: deferred comment.

Joe Appleman: deferred comment.

Nathan Adams: deferred comment.

Lynne Barbee a resident of Surf Drive echoed some of the comments that have been mentioned. Ms. Barbee indicated that many residents in the Mashpee community earn a living selling real estate. Many are multi-million dollar homes. However, there are many residents who are trying very hard to address our waters. Realtors have been resistant to clean water measures such as setbacks, powerboats, etc. Ms. Barbee indicated that it is important to look at the long term vision to address the water crisis so people can earn a living and the rest of us can enjoy the waters.

Paul Pocins: deferred comment.

Eric Horne: deferred comment.

Mashpee Select Board  
Minutes  
January 9, 2023

---

Public Hearing – Retail Alcoholic Beverages License Amendment Application, Change of Manager:  
QVCC Inc. dba Quashnet Valley Country Club:

The Select Board acting as the Local Licensing Authority opened the Public Hearing on the Retail Alcoholic Beverages License Amendment Application of QVCC, Inc. d/b/a Quashnet Valley Country Club, 309 Old Barnstable Road, Mashpee for a Change of Manager. In accordance with posting procedures, the hearing notice was read aloud into the record. The new manager of record is Dawn Tormey. All necessary paperwork is in order for the Select Board's approval.

The Select Board opened the hearing to solicit comment. Being none, the following action was taken;

**Motion made by Selectman Sherman to close the Public Hearing.**

**Motion seconded by Selectman Cotton.**

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

**Roll Call Vote:**

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

**Motion made by Selectman Sherman to approve the Retail Alcoholic Beverages License Amendment Application of QVCC, Inc. d/b/a Quashnet Valley Country Club, 309 Old Barnstable Road, Mashpee for a Change of Manager to Dawn Tormey.**

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

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

**Roll Call Vote:**

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

Pole Hearing – Verizon/ Eversource Petition #MA 2022-31 for Red Brook Road  
(875 feet west of centerline of Brian's Lane):

The Select Board met with representation from Verizon/Eversource to review Petition #MA 2022-31 to install (1) Joint Pole on the northerly side of Red Brook Road, 875' west of the centerline of Brian's Lane to support the existing pole line and to provide for the distribution of intelligence and telecommunications and the transmission of high and low voltage electric current. The space shall be reserved and maintained for the limited purpose of attaching one-way low voltage fire and police signaling wires owned by the municipality for public safety purposes.

**Motion made by Selectman Sherman to accept and approve Verizon New England, Inc. and NSTAR Electric Company d/b/a Eversource Energy Petition #MA 2022-31 for (1) Joint Owned pole as presented.**

**Motion seconded by Selectman Cotton.**

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

**Roll Call Vote:**

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

Mashpee Select Board  
Minutes  
January 9, 2023

---

## **APPOINTMENTS & HEARINGS**

### Discussion and Approval of 2023 Seasonal Population Estimate: Town Planner Evan Lehrer:

Correspondence was received from Evan Lehrer, Town Planner dated December 15, 2022 estimating a peak population of 36,825 persons in the 2023 summer season. This represents an increase of 574 persons.

**Motion made by Selectman Cotton to approve the estimated Seasonal Population of 36,825 persons as projected by the Town Planner.**

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

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

**Roll Call Vote:**

<b>Selectman Weeden, yes</b>	<b>Selectman Cotton, yes</b>	<b>Selectman O'Hara, yes</b>
<b>Selectman Sherman, yes</b>	<b>Selectman Wyman-Colombo, yes</b>	<b>Opposed, none</b>

### Discussion and Possible Action on Community Preservation Act Committee Disc Golf Application: Drew McManus:

Andrew McManus was in attendance on behalf of the Cape Cod Disc Golf Club to request the Select Board support the proposal to bring the disc golf sport to the Town of Mashpee, and assist in identifying a site conducive for a disc golf course. It was noted the project is before the Community Preservation Committee for funding at the May Town Meeting.

The Community Preservation Committee has reviewed the application and has tabled their recommendation until such time the Select Board reviews the proposal and approves/recommends a site location for a disc golf course.

Sites under consideration include two adjoining parcels of town-owned open space totaling 15.9 acres located at 0 Great Neck Road North/37 Goodspeed Road. There are no rare species habitat, no wetlands and there is established parking at the Town Hall and the Community Park. An additional site is 101 Redbrook Road, a 24 acre site of town-owned open space. There is limited parking with the Fire Substation and cell phone tower, but there is room for expansion. A 4.1 acre town-owned open space site identified as 400 Main Street is located between the Community Park and the Community Gardens. Since this site is smaller, a 5-6 hole course versus a 9 or 19 hole layout would be developed at this location.

Previously 156 Ashumet Road was considered for a 9 hole disc golf course on 16 acres of town-owned property. The site is located in the area of the pickleball courts and dog park. Also under review was the wooded areas behind the athletic fields of the Mashpee High/Middle School.

Mr. McManus indicated that disc golf does not require an extensive alteration of the land. The course is blended into a natural setting similar to a trail system, but slightly modified. The rules are the same as regular golf without the club. The target is baskets. It is a very environmentally friendly activity for all skills and ages. This is a year round sport and a great way to get people outdoors for healthy exercise.

Mashpee Select Board  
Minutes  
January 9, 2023

---

## **APPOINTMENTS & HEARINGS**

### Discussion and Possible Action on Community Preservation Act Committee Disc Golf Application: Drew McManus: (continued)

In considering the parcels proposed for the disc golf course, the Select Board was in agreement to concentrate recreational activities in the hub of the Town's recreational area on Ashumet Road. There is established parking, and additional gravel parking could be added at the site to alleviate parking at the dog park or pickleball court areas. Additional signage could make parking delineations clear to the recreational users.

It was also noted this is a very quiet activity with a minor noise level. Disc golfers tend to have the same etiquette as regular golfers.

In an effort to further review site selections with the DPW Director who oversees buildings and grounds, Town Manager Rodney C. Collins recommended the Select Board defer approval to the next meeting.

**Motion made by Selectman Wyman-Colombo to table the Disc Golf project to the Select Board meeting on January 23, 2023.**

**Motion seconded by Selectman Cotton.**

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

**Roll Call Vote:**

<b>Selectman Weeden, yes</b>	<b>Selectman Cotton, yes</b>	<b>Selectman O'Hara, yes</b>
<b>Selectman Sherman, yes</b>	<b>Selectman Wyman-Colombo, yes</b>	<b>Opposed, none</b>

### Presentation and Discussion of Potential Bylaw Amendment Warrant Article with Regard to Horsepower and Speed Restrictions on Santuit Pond: Department of Natural Resources Director Ashley Fisher; Fuss & O'Neill Representatives:

Ashley Fisher, Director of Natural Resources was in attendance with representatives from the engineering firm; Fuss & O'Neill to discuss a potential waterways bylaw amendment planned for the remediation of Santuit Pond. This is the first of a series of public engagement sessions planned to educate and to seek comment on Santuit Pond.

An article is planned for the May Town Meeting warrant to restrict vessel use on Santuit Pond by prohibiting the use of internal combustion engines and electric engines in excess of 5 horsepower (hp). This action would limit potential disturbance and the resuspension of sediment into the water column, and preserve water quality in the pond to support other forms of recreation. This would also be protective of public health and safety.

The Department of Natural Resources in conjunction with the Mashpee Wampanoag Tribe's Natural Resource Department, engineering consultants Fuss & O'Neill and The Southeastern New England Partnership Program (SNEPP) recommend the approval of the proposed article for the May 2023 Town Meeting warrant.

Fuss & O'Neill consultants Diane Mas and Erik Mas have been working under the Municipal Vulnerability Preparedness Program grant for the Town of Mashpee.

Mashpee Select Board  
Minutes  
January 9, 2023

---

## **APPOINTMENTS & HEARINGS**

### Presentation and Discussion of Potential Bylaw Amendment Warrant Article with Regard to Horsepower and Speed Restrictions on Santuit Pond: Department of Natural Resources Director Ashley Fisher; Fuss & O'Neill Representatives: (continued)

Diane Mas updated the Select Board and interested public on the history of the harmful cyanobacteria blooms in Santuit Pond that have contributed to potential environmental and human health impacts. There is a direct relationship between the severity of the algal blooms and the concentration of phosphorus that increases dramatically during the warm summer months.

Phosphorus is noted to derive from the watershed, from septic systems, fertilizer, waterfowl and stormwater runoff. Most of the phosphorus entering the pond is accumulated in the top layer of sediment. A significant portion of the phosphorus is not readily available for uptake by the algae however, the mixing of the sediment releases a considerable amount which is made available for use in the eutrophication process. Mixing processes include swimming, motor boat activity and other activities of like. The majority of the suspension of phosphorus derives from motor boat activity.

The top 1.6" is the active layer for phosphorus. In phosphorus-rich waters studies have shown that 78-80% of phosphorus is within the top layer of the sediment. The majority of the suspension or mixing can be related to motor boat activity if the lake has a high level of motor boat activity and if the water body is considered shallow with resistance to wind and pressure changes. Santuit Pond is a shallow pond with depths ranging from 5 to 9 feet.

Motors as small as 10hp cause a mixing depth of 1.8 meters or approximately 6 feet. It is therefore recommended the use of internal combustion motor boats in Santuit Pond be restricted to 5hp.

Ms. Mas stressed the need to use the tools within the tool box that are available for use. To address the sources of phosphorus internally you would minimize resuspension, especially at the top layer of sediment, limit phosphorus release using alum and remove sediment by dredging. External measures include watershed management, stormwater runoff practices, fertilizer reduction measures, septic system functions, sewerage and the use of solar bees.

In addition, bylaws, regulations and policies must be reviewed. This would include identifying opportunities and recommendation as well as water quality protection and enhancing climate resilience.

The recommendation in this outreach session to remediate Santuit Pond plans to reduce the potential for resuspension by limiting horsepower on Santuit Pond. Studies have shown a suspension depth of 6 feet with 10 hp engines, and a mixing depth of 10 feet with 28 hp engines. Electric motors at or below the threshold would be allowed on the pond as would non-motorized boats.

As a community, actions to remediate Santuit Pond would require a variety of procedures and trials. The issues within the pond did not happen overnight, and they will not go away overnight. Engagements may take decades to improve upon the pond for future generations.



Mashpee Select Board  
Minutes  
January 9, 2023

---

## **APPOINTMENTS & HEARINGS**

### Presentation and Discussion of Potential Bylaw Amendment Warrant Article with Regard to Horsepower and Speed Restrictions on Santuit Pond: Department of Natural Resources Director Ashley Fisher, Fuss & O'Neill Representatives: (continued)

Discussion continued with respect to the external sources of phosphorus; 78% and the need to remove the failed septic systems, and cesspools. The Town is moving forward with this issue nearing compliance. Sewering is advancing. At the last Town Meeting funds were appropriated to develop a plan to inventory, assess, and recommend improvements to the Town's stormwater infrastructure, and amendments were made to the nutrient control bylaw. And, the Town with the current warrant article to prohibit engines in excess of 5 hp to reduce the resuspension of the sediments is making further advancements towards remediation.

With regards to dredging, it was noted that portions of the pond can be dredged and spoils could possibly be used to create artificial wetlands for habitat restoration. In other areas, the spoils would have to be removed to an offsite location. This may prove costly even with grant funding. Through the Federal Clean Water Act grant funds are being sought in collaboration with the Tribe.

It was recommended that long and short term objectives be itemized. There are no quick solutions. Several objectives include outreach to review homeowner practices, low impact development, fertilizer usage control and controls for other nutrients entering the pond, the maintenance and upgrade of septic systems and larger options such as limited dredging.

The Select Board opened the discussion to solicit comment.

Allen Waxman of Santuit Pond Way indicated he is strongly in favor of the 5 hp limit. As a member of the Mashpee Ponds Coalition and Friends of Santuit Pond Mr. Waxman submitted a detailed memo in support of the bylaw amendment. Mr. Waxman indicated Santuit Pond is very shallow with an average depth of only 5 feet. The top 4" of sediment is laden with phosphorus. It is critical the sediment not be disturbed by the action of motor boats in order to prevent the release of phosphorus from pond sediments. Mr. Waxman noted that it is not unusual to place limitations on horsepower. Resuspension of the top layer is a critical problem.

George Schmidt spoke on behalf of the Briant's Neck Association, owners of homes and cottages on the southern shore of Santuit Pond. The association members are in full support of the proposal to amend the Town's bylaws as referenced. The amendment itself makes it clear as to why the restriction is appropriate to assist in the restoration of the pond's water quality and promote public health.

Brian Everett stated if boats with large motors are so harmful then why not limit all horsepower. The residents have suffered enough with past burdens for the recreational opportunities the pond has to offer. It was suggested the Town have more police presence to enforce the dawn to dusk rules at the landing. Trash receptacles are needed for the littering, and signage stating do not feed the waterfowl would help, these are contributors to the degradation of the pond.

Mashpee Select Board  
Minutes  
January 9, 2023

---

Presentation and Discussion of Potential Bylaw Amendment Warrant Article with Regard to Horsepower and Speed Restrictions on Santuit Pond: Department of Natural Resources Director Ashley Fisher; Fuss & O'Neill Representatives: (continued)

Joe Appleman a resident of Edgewater Road commented on the *New York Times* article. The problem lies with climate change, septic systems, and over population. There was nothing stated about boating. In reality, what makes Santuit Pond so special, it's the 3-5 boaters on the pond, fishing and enjoying the scenery. The pond was noted to be beautiful with fish, turtles, swans and otters. Its an amazing place to live. Boating, fishing, and recreation are important when living on the pond. Mr. Appleman noted there may be other viable solutions to consider. Perhaps, reducing engine speed and possibly with sewer line the Town would grandfather those who live on the pond. Regular septic maintenance is important. Mr. Appleman stated he is willing to work with the town to develop solutions. In closing he said the pond is tough, it keeps coming back and it is not as bad as those who are making it out to be.

Edgewater Road resident Paul Cononi indicated if the boats are eliminated it would devalue property. There are approximately 8-10 docks on the pond. In his opinion traffic is minimal. The survey did not state how much boat traffic is on the pond. Santuit Pond is an outlet for bass tournaments held twice per year with an estimated 7-8 boats. It is believed the cranberry bogs have been a contributing factor to the degradation of the pond. With the enforcement to re-do his septic Mr. Cononi indicated he complied and in his opinion the water quality has improved. It was recommended the town defer action on the horsepower for two years to determine the water quality results of the upgrades and system replacements.

Nathan Adams also residing on Edgewater Road stated it is unfortunate we are all concerned about the pond. He was not aware the town is making strides in septic and road runoff. Mr. Adams stated if the horsepower is kicking up the sediment, then why don't we limit the horsepower. The concern is water quality. At the most recent bass tournament more than 20 boats participated. Mr. Adams conducted water sampling at various times per day, and believes there is no correlation between boat traffic and phosphorus. The report states that each lake will be different, it depends on the sediment and boat traffic. On a normal weekend Santuit Pond has about 5 boats in the water. In his opinion we are scapegoats to make people feel better. Mr. Adams stated let's go for the real solutions and not just the feel good stuff.

Paul Pocins deferred comment.

Eric Horme of Timberlane Drive indicated that he is a newcomer residing in Mashpee for the past 1.5 years. He realizes there is a problem with the pond. However, the treatment guidance for the homeowners on the pond has been minimal. Mr. Horme stated he has not received any information from the town such as guidelines for fertilizer to see how he can help. Mr. Horme has grown up on the Cape, and has fished this pond with his father. The pond is a good recreational resource for the town, and Mr. Horme desires to raise his children boating on the pond.

Andrew McManus, Park Place Way offered comment regarding the horsepower restriction. Mr. McManus indicated the pond is infested with invasive species. If the invasives are disbursed in the water column, it would only take one seed for it to disburse itself. There are also impacts to the erosion on the banks from exceeding boat wakes. Mr. McManus indicated he is in favor of the restriction. It is not a ban. How much is this really impacting the fishing on the pond? There is no impact to the fish, it is just restricting the horsepower.

Mashpee Select Board  
Minutes  
January 9, 2023

---

## **APPOINTMENTS & HEARINGS**

Presentation and Discussion of Potential Bylaw Amendment Warrant Article with Regard to Horsepower and Speed Restrictions on Santuit Pond: Department of Natural Resources Director Ashley Fisher; Fuss & O'Neill Representatives: (continued)

Diane Shield of Santuit Lane indicated she grew up on Santuit Pond. In her opinion boating is being used as a scapegoat. The Town needs to take on the sewerage. There was never a problem until there was further development and everyone had the perfect lawn. The wildlife on the pond is amazing and the sunsets are beautiful. Ms. Shields requested the Town fast track the assessment for sewerage. Bring it in, let's fix this the right way.

Discussion and Approval of the Following Resignations:

Community Preservation Act Committee: Dawn M. Thayer, Member At-Large:  
Resignation to be Effective February 13, 2023 (Term Expires June 30, 2023):

Correspondence was received from Dawn M. Thayer dated December 2, 2022 resigning from the Community Preservation Committee as a Member At-Large effective February 13, 2023.

**Motion made by Selectman Sherman to accept with regret, the resignation of Dawn M. Thayer from the Community Preservation Committee effective February 13, 2023.**

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

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

**Roll Call Vote:**

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

Council on Aging: Virginia McIntyre, Member At-Large (Term Expires June 30, 2024):

A letter of resignation dated December 15, 2022 was received from Virginia McIntyre from the Council on Aging Board.

**Motion made by Selectman Sherman to accept the resignation of Virginia McIntyre from the Council on Aging Board with regret.**

**Motion seconded by Selectman Wyman-Colombo.**

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

**Roll Call Vote:**

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

Mashpee Select Board  
Minutes  
January 9, 2023

---

Discussion and Approval of the Following Resignations: (continued)

Planning and Construction Committee: Joseph Brait, Construction Representative (Term Expires June 30, 2023):

Communication received from Joseph Brait dated December 5, 2022 announced his resignation from the Planning & Construction Committee as the Construction Representative.

**Motion made by Selectman Sherman to accept the resignation of Joseph Brait from the Planning & Construction Committee with regret.**

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

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

**Roll Call Vote:**

<b>Selectman Weeden, yes</b>	<b>Selectman Cotton, yes</b>	<b>Selectman O'Hara, yes</b>
<b>Selectman Sherman, yes</b>	<b>Selectman Wyman-Colombo, yes</b>	<b>Opposed, none</b>

**OLD BUSINESS**

Discussion and Approval of Letter to the Sandwich Board of Selectmen with Regard to the NSG Village Green-1 Project (Continued from December 19, 2022 Meeting):

A brief discussion followed with regards to the NSG Village Green-1 project in the Town of Sandwich. A draft letter of communication highlighting the Select Board's concern to the anticipated environmental and developmental impacts to the residents of the Town of Mashpee that would result from the impacts of the proposed housing development project was disseminated for review.

Although the Town of Mashpee has made contact with the Town of Sandwich regarding this matter, it was agreed the letter of concern would be transmitted to the respective Town Manager and Board of Selectmen to document Mashpee's interests that may influence pending decisions. It is recognized there is a critical need for affordable and attainable housing, however, any such development proposal must mitigate environmental impacts, particularly those relating to the fragile water and aquifer resources as well as public infrastructure and existing residents in the planned development area.

**Motion made by Selectman Sherman to approve the transmission of the letter to the Town of Sandwich as drafted.**

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

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

**Roll Call Vote:**

<b>Selectman Weeden, yes</b>	<b>Selectman Cotton, yes</b>	<b>Selectman O'Hara, yes</b>
<b>Selectman Sherman, yes</b>	<b>Selectman Wyman-Colombo, yes</b>	<b>Opposed, none</b>

Mashpee Select Board  
Minutes  
January 9, 2023

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Discussion and Approval of Letter to the Sandwich Board of Selectmen with Regard to the NSG Village Green-1 Project (Continued from December 19, 2022 Meeting): (continued)

The Sandwich Board of Selectmen was noted to have the same concerns as the Town of Mashpee. They appreciate the interest in the Town of Mashpee and will maintain an open line of communication on this matter. Selectman Wyman-Colombo will be meeting with their Health Agent and Town Manager to keep abreast of this concern on behalf of the Town of Mashpee.

Additional comments recommended in the draft letter include; the vote of the Select Board was unanimous to highlight their concerns, and on page two to add the proposal is a development of regional impact (DRI).

**Motion made by Selectman Sherman to approve the transmission of the letter as drafted to the Town of Sandwich with the edits as recommended by Selectman Wyman-Colombo.**

**Motion seconded by Selectman Wyman-Colombo.**

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

**Roll Call Vote:**

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

**LIAISON REPORTS**

Assembly of Delegates:

Pending before the Assembly of Delegates is the use of ARPA funds, an estimated \$11 million to address the range of housing needs on Cape Cod. When finalized it is anticipated this would be a competitive grant favoring projects that are shovel ready.

**WATER QUALITY UPDATES**

Discussion and Approval of Select Board Representative: Cape Cod & Islands Water Protection Fund Board:

Selectman Wyman-Colombo offered to serve as Mashpee's representative to the Cape Cod & Islands Water Protection Fund Board to fill the vacancy created by the resignation of former Selectman Andrew R. Gottlieb.

**Motion made by Selectman Sherman to appoint Selectman Wyman-Colombo to the Cape Cod & Islands Water Protection Fund Board.**

**Motion seconded by Selectman Cotton.**

**VOTE: 4-1.**

**Roll Call Vote:**

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

Mashpee Select Board  
Minutes  
January 9, 2023

---

Leadership Stance Required:

In response to the article which appeared in the *New York Times* last Sunday Selectman Michaela Wyman-Colombo read aloud a statement requesting leadership in a time of crisis.

Selectman Wyman-Colombo indicated most importantly we as leaders owe our future generations water that sustains life. The Select Board was requested to act upon the following measurable items;

- Approve the clean water bylaws for inclusion on the May 2023 Town warrant. The includes an increase in the buffer zone and a ban on residential fertilizer.
- Develop a concrete education plan to help Mashpee residents understand how these bylaws would work and why they are necessary. With the approval and support of the Select Board the Town Manager would assign this task to employees who have requisite expertise who would meet with the Select Board at their next meeting for review and support.
- To work together to develop a clear and cohesive watershed plan to address water quality. Elicit the support of consultants if necessary to ensure a comprehensive and detailed plan for the removal of nitrogen and phosphorus from our waters with urgency.
- Work with towns who share our watershed. Call the Intermunicipal Agreement with the Towns of Barnstable and Sandwich to action.
- Develop a clear and cohesive plan to work together as thoughtful leaders to seek and secure state and federal government funding to address water quality on Cape Cod.
- Communicate ongoing progress as well as challenges to the residents of Mashpee during each Select Board meeting.

Discussion and Approval of Select Board Representative: Intermunicipal Agreement Popponesset Watershed:

**Motion made by Selectman Sherman to appoint Selectman Wyman-Colombo as Mashpee's representative in accordance with the Intermunicipal Agreement for the Popponesset Watershed.**  
**Motion seconded by Selectman Cotton.**

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

**Roll Call Vote:**

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

Discussion and Approval of Letter to Support Special Legislation with Regard to Joint Base Cape Cod Wastewater Solutions:

A draft letter in support of Special Legislation proposed by the Town of Sandwich to create a municipal wastewater treatment and disposal solutions at Joint Base Cape Cod (JBCC) was presented to the Select Board for review. The act would specifically authorize the Town of Sandwich to contract for the services to make necessary improvements for the municipal use of JBCC infrastructure eligible for State Revolving Funds.

A regional wastewater treatment facility would benefit all Upper Cape communities enhancing ground and surface water resources to ensure the safety of drinking water, the protection of public health and the development of more resilient communities.

Mashpee Select Board  
Minutes  
January 9, 2023

---

Discussion and Approval of Letter to Support Special Legislation with Regard to Joint Base Cape Cod Wastewater Solutions: (continued)

**Motion made by Selectman Sherman to send a letter of support to the Town Manager of the Town of Sandwich for the Special Legislation as described.**

**Motion seconded by Selectman Cotton.**

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

**Roll Call Vote:**

<b>Selectman Weeden, yes</b>	<b>Selectman Cotton, yes</b>	<b>Selectman O'Hara, yes</b>
<b>Selectman Sherman, yes</b>	<b>Selectman Wyman-Colombo, yes</b>	<b>Opposed, none</b>

**TOWN MANAGER UPDATES**

The change of name from the Board of Selectmen to the Select Board has become official as of January 5, 2023,

The Town Planner is currently working on a community block fund grant which may be suited for a partnership to construct 440 homes of which 35% or 110 would qualify as affordable units. The deadline for the grant submission is March 3, 2023. The Town is anticipated to work with the Housing Assistance Corporation (HAC) on this endeavor. Further information will be provided to the Select Board prior to their execution of the grant application.

**ADJOURNMENT**

**Motion made by Selectman Sherman to adjourn at 8:50 p.m.**

**Motion seconded by Selectman Cotton.**

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

**Roll Call Vote:**

<b>Selectman Weeden, yes</b>	<b>Selectman Cotton, yes</b>	<b>Selectman O'Hara, yes</b>
<b>Selectman Sherman, yes</b>	<b>Selectman Wyman-Colombo, yes</b>	<b>Opposed, none</b>

Respectfully submitted,

Kathleen M. Soares  
Secretary to the Select Board



**AGENDA**  
**SELECT BOARD / AFFORDABLE HOUSING TRUST**  
**MONDAY, JANUARY 23, 2023**  
**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 Select Board and Affordable Housing Trust in Open Session**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

- Discussion and Possible Approval of Amendment to the Affordable Housing Trust Community Preservation Funding Application for the May 2023 Town Meeting ("Transfer of Funds to the Affordable Housing Trust")

**Adjourn Affordable Housing Trust Meeting**

**MINUTES**

Approval of the Following Minutes: Monday, January 9, 2023 Regular Session

**APPOINTMENTS & HEARINGS**

- Public Comment
- Discussion and Possible Approval of Grant Application with Regard to Community Development Block Grant:  
*Town Planner Evan Lehrer*
- Discussion and Approval of Town Manager Corresponding with State Officials with Regard to Speed Limits on Designated Roads
- Introduction and Information from Eversource: *Eversource Community Relations Specialist Ronit Goldstein*
- Discussion and Certification of the Hiring Process for the Following in the Fire Department:  
*Firefighter/Paramedic Timothy Houde; Administrative Assistant Jennifer Thomas*
- Discussion and Approval of the Following Appointments and Resignations:

**Resignations:**

Community Preservation Act Committee *Member at Large (Term Expires June 30, 2023): Edward Larkin*

**Appointments:**

Economic Development Industrial Corporation *Commercial Rep., (Term Expires June 30, 2023): Rick Cayer*

Waterways Commission: *Members at Large (Terms Expire June 30, 2024): Richard Santangelo; Ronald Marchessault*

Capital Improvement Program Committee: *Member at Large (Term Expires June 30, 2023): John Livingston*

Conservation Commission:

*Member at Large (Term Expires June 30, 2025): Erin Copeland*

*Associate Member (Term Expires June 30, 2023): Sandi Godfrey*

**COMMUNICATIONS & CORRESPONDENCE**

**OLD BUSINESS**

- Discussion and Possible Action on Community Preservation Act Committee Disc Golf Application: *Drew McManus*  
(Continued from January 9, 2023 Select Board Meeting)

**NEW BUSINESS**

- Update on Fiscal Year 2024 Budget: *Town Manager Rodney Collins*

**ADDITIONAL TOPICS**

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

**LIAISON REPORTS**

**WATER QUALITY UPDATES**

**TOWN MANAGER UPDATES**

**EXECUTIVE SESSION**

**ADJOURNMENT**



Mashpee Select Board – Affordable Housing Trust  
Minutes  
January 23, 2023

---

Present: Selectman David W. Weeden, Selectman John J. Cotton, Selectman Thomas F. O'Hara,  
Selectman Carol A. Sherman, Selectman Michaela Wyman-Colombo  
EDIC Representative – Glenn Thompson  
Finance Committee Representative – Gregory McKelvey  
Affordable Housing Committee Representative – Allan Isbitz  
Mashpee Housing Authority Representative – Richard Klein  
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

Convene Select Board and Affordable Housing Trust in Open Session:

Discussion and Possible Approval of Amendment to the Affordable Housing Trust Community Preservation Funding Application for the May 2023 Town Meeting ("Transfer of Funds to the Affordable Housing Trust"):

Evan Lehrer, Town Planner was in attendance to request the Affordable Housing Trust (AHT) consider amending the application submittal to the Community Preservation Committee for additional funding to possibly acquire a parcel of land for affordable housing purposes. The site is identified as 31 Ashumet Road and 474 Main Street, Mashpee.

The Community Preservation Committee was noted to have approved the initial application of the AHT in the amount of \$300,000. The additional funding request of \$250,000 would be adequate to acquire the parcel which is pending due diligence on existing site conditions as well as an appraisal. The total CPA funding request would thus be \$550,000. Amending the request does not compel the Trust to proceed with the acquisition if the property is not advantageous to fulfill the Town's affordable housing goals. If the Trust determines that it is feasible to move forward with this project, the funds would be readily available for this purpose.

Mr. Lehrer indicated the property is well suited to develop as a small affordable housing project with 10 bedroom units without any intervention pending clearance of existing conditions that need to be further evaluated. The site consists of stumps, logs, rocks and other fill material related to construction debris.

If the project is supported the Town would move forward with soil sampling to determine the extent of the contamination. The Town has the capacity to do the analysis in-house under the direction of the DPW and Board of Health. A Request for Interest for potential developers would also be issued.

**Motion made by Selectman Sherman to modify the application to the Community Preservation Committee from \$300,000 to \$550,000.**

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

**VOTE: Unanimous. 9-0.**

**Roll Call Vote:**

Selectman Weeden, yes	Selectman Cotton, yes	Selectman O'Hara, yes
Selectman Sherman, yes	Selectman Wyman-Colombo, yes	
Mr. Thompson, yes	Mr. McKelvey, yes	Ms. Isbitz, yes
Mr. Klein, yes	Opposed, none	

Mashpee Select Board – Affordable Housing Trust  
Minutes  
January 23, 2023

---

**ADJOURN AFFORDABLE HOUSING TRUST MEETING**

**Motion made by Selectman Sherman to adjourn at 6:49 p.m.**

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

**VOTE: Unanimous. 9-0.**

**Roll Call Vote:**

<b>Selectman Weeden, yes</b>	<b>Selectman Cotton, yes</b>	<b>Selectman O'Hara, yes</b>
<b>Selectman Sherman, yes</b>	<b>Selectman Wyman-Colombo, yes</b>	
<b>Mr. Thompson, yes</b>	<b>Mr. McKelvey, yes</b>	<b>Ms. Isbitz, yes</b>
<b>Mr. Klein, yes</b>	<b>Opposed, none</b>	

Respectfully submitted,

Kathleen M. Soares  
AHT Secretary

Mashpee Select Board  
Minutes  
January 23, 2023

---

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

Meeting Called to Order by Chairman Weeden at 6:50 p.m.  
Mashpee Town Hall, Waquoit Meeting Room

## MINUTES

### Monday, January 9, 2023 Regular Session:

The minutes were amended to correct a typo on page 12 to read: Cape Cod & Islands Water Protection Fund Board where appropriate.

**Motion made by Selectman Sherman to approve the minutes of Monday; January 9, 2023 as amended.  
Motion seconded by Selectman Cotton.**

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

### **Roll Call Vote:**

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

## APPOINTMENTS & HEARINGS

### Public Comment:

Brian Everett a resident of Forest Drive deferred his comments to the Disc Golf discussion.

Gregory McKelvey, Menemsha Road indicated at the last Select Board meeting there was comment regarding an article which appeared in the *New York Times*. Mr. McKelvey stated the people of Mashpee are aware of the water quality problem and do not need intimidation from the newspaper. The Town Officials including the Town Managers and Select Board are doing a great job moving forward on this matter. As a member of the Finance Committee Mr. McKelvey recommended the Town take a hard look at what is looming ahead, and of the choices that will have to be made. The financial costs could be overwhelming, and it is necessary to plan and to work out the specifics carefully, together in a positive and safe way in the spirit of cooperation. As a resident of the Town Mr. McKelvey stated he is not in favor of a moratorium.

Mashpee Select Board  
Minutes  
January 23, 2023

---

Discussion and Possible Approval of Grant Application with Regard to Community Development Block Grant:  
Town Planner Evan Lehrer:

Members of the Select Board reviewed criteria relative to the Community Development Block Grant (CDBG). The grant if secured would give the Town the ability to access funds through a competitive program to assist low to moderate income households in connecting to the wastewater treatment system in Phase 1 of the intended Sewer Service Area.

The deadline for the grant application is March 3, 2023. The CDBG funding round would combine FY2022 and FY2023 funds. This is a competitive application. One of the areas measured competitively is the readiness to proceed at the time of the award.

In addition to this grant, there are alternative loan programs through the Barnstable County Septic Loan Program and through conventional home equity programs from local lenders.

Mr. Lehrer indicated he was significant reservations about the competitiveness of this grant submission in this upcoming year. It is estimated in a best case scenario the treatment facility and the collection system would be operational in early Summer 2024. Under this highly competitive grant, penalties may be imposed if the wastewater treatment facility is not operable for household connection at the time of the grant award.

The Town would be in a more competitive position to receive a funding award if an application was submitted in the March 2024 funding round opposed to March 3, 2023. This would allow the homeowner ample time to complete necessary paperwork, obtain competitive bids, and not compromise a property owner's ability to obtain assistance for the sewer connection. With the operation of the collection system property owners in Phase I of the Sewer Service Area would have 90 days to connect to the system.

If a municipality has not received a Massachusetts CDBG grant in three prior years, up to \$9,000 for grant application preparation can be charged as an allowable expense of the grant criteria.

Mr. Lehrer indicated that it is too late in this grant round to hire a consultant. It may be more beneficial for the Town to procure a consultant to assist in the preparation and submission of a grant application in March of 2024.

Discussion followed with respect to securing a consultant such as the Housing Assistance Corporation (HAC) or taking the advantage of utilizing the Mashpee Housing Authority for this service to maintain funding within the Town of Mashpee for the benefit of the Town and its affordable housing.

Mr. Lehrer reiterated he is concerned with the timeline of the application due for submission on March 3, 2023. The grant if secured would offer the release of funds on July 1, 2023 and it is not likely the sewer connections would be ready. If the funds aren't utilized, monies would be required to be returned, and the Town would be penalized.

As the matter was debated it was noted that it may be advantageous to submit the grant to establish a relationship with DHCD. Selectman Wyman-Colombo offered to write the grant proposal for the Town of Mashpee.

Mashpee Select Board  
Minutes  
January 23, 2023

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## **APPOINTMENTS & HEARINGS**

### Discussion and Possible Approval of Grant Application with Regard to Community Development Block Grant: Town Planner Evan Lehrer: (continued)

As discussion continued it was recommended the Select Board initiate the process to secure a consultant to assist the Town in the subsequent year to be fully prepared for the grant submission. It was agreed an RFQ would be developed to procure consulting services at the start of the new fiscal year.

The Town of Barnstable has a grant coordinator and staff members to secure grant funding. As an entitlement community Barnstable has received grant funding for this loan program. This is a heavy-lift program with strict compliance, timelines and monitoring. The homeowner is required to have all paperwork in order for eligibility. All lead applicants and participating applicants must meet the required threshold at the time of the application. Communities that do not meet the threshold will be eliminated from further MA CDBG funding consideration.

As stated, as an alternative and during the interim there are low interest funds available through the Barnstable County Septic Loan Program and other sources.

**Motion made by Selectman Wyman-Colombo to authorize the Town Manager to seek consultants to assist in the Community Development Block Grant application after July 1, 2023 (FY2024) for a sum not to exceed \$9,000 for grant preparation services.**

**Motion seconded by Selectman Sherman.**

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

**Roll Call Vote:**

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

### Discussion and Approval of Town Manager Corresponding with State Officials with Regard to Speed Limits on Designated Roads:

The matter of speed limits on designated roads was discussed. Town Manager Rodney C. Collins indicated he would research and review the options to establish proper, prudent and reasonable speed limits for the safety of individuals in the Town of Mashpee.

**Motion made by Selectman Cotton to support the Town Manager in his efforts maintain and reduce speed limits for the safety of the citizens of the Town of Mashpee and its visitors.**

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

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

**Roll Call Vote:**

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

Mashpee Select Board  
Minutes  
January 23, 2023

---

## **APPOINTMENTS & HEARINGS**

### Introduction and Information from Eversource: Eversource Community Relations Specialist Ronit Goldstein:

Members of the Select Board met with Eversource Community Relations Specialist Ronit Goldstein to review general information and updates of activities on the Cape and within the Town of Mashpee. With the assistance of Ronit Goldstein the partnership of the two entities has increased favorably in communication and response.

The Town Managers indicated that Ms. Goldstein has been very reliable and responsive to the needs of the Town of Mashpee. Appreciation was given to the Town's public safety officials who have played an active role in the partnership with Eversource.

### Discussion and Certification of the Hiring Process for the Following in the Fire Department: Firefighter/Paramedic Timothy Houde; Administrative Assistant Jennifer Thomas:

Correspondence was received from Fire Chief John F. Phelan dated January 11, 2023 requesting the Select Board certify the hiring process for Firefighter/Paramedic Timothy Houde and Administrative Assistant Jennifer Thomas. Town Manager Rodney C. Collins affirmed that all phases of the entry-level selection process have been adhered to in accordance with the New Hire Certification process.

**Motion made by Selectman Sherman to certify the Hiring Process for Firefighter/Paramedic Timothy Houde and Administrative Assistant Jennifer Thomas.**

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

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

**Roll Call Vote:**

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

### Discussion and Approval of the Following Appointments and Resignations:

#### Resignations:

#### Community Preservation Act Committee Member at Large (Term Expires June 30, 2023): Edward Larkin:

Correspondence was received from Ed Larkin dated January 7, 2023 resigning from the Community Preservation Committee. Mr. Larkin indicated this resignation would not affect his current appointments with other town committees he currently serves on.

**Motion made by Selectman Sherman to accept with regret, the resignation of Ed Larkin from the Community Preservation Committee sending a letter of appreciation for his 18 years of service to this committee.**

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

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

**Roll Call Vote:**

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

Mashpee Select Board  
Minutes  
January 23, 2023

---

## **APPOINTMENTS & HEARINGS**

### Appointments:

Economic Development Industrial Corporation Commercial Rep., (Term Expires June 30, 2023): Rick Cayer:

At their meeting of November 29, 2022, the EDIC Board interviewed and recommended Rick Cayer for the vacant commercial interest representative.

**Motion made by Selectman Cotton to table this matter to the next Select Board Meeting.**

**Motion seconded by Selectman Sherman.**

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

### **Roll Call Vote:**

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

Waterways Commission: Members at Large (Terms Expire June 30, 2024): Richard Santangelo: Ronald Marchessault:

The Waterways Commission at their meeting of January 11, 2023 interviewed and voted to recommended two candidates for appointment with terms to expire June 30, 2024.

**Motion made by Selectman Sherman to appoint Ron Marchessault and Rick Santangelo to the Waterways Commission as recommended.**

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

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

### **Roll Call Vote:**

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

Capital Improvement Program Committee: Member at Large (Term Expires June 30, 2023): John Livingston:

Correspondence was received from John Livingston, the newly appointed Vice-Chair of the Board of Health dated January 15, 2023 requesting appointment to the Capital Improvement Committee as a Member At Large.

**Motion made by Selectman Cotton to appoint John Livingston to the Capital Improvement Program (CIP) Committee.**

**Motion seconded by Selectman Wyman-Colombo.**

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

### **Roll Call Vote:**

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

Mashpee Select Board  
Minutes  
January 23, 2023

---

## **APPOINTMENTS & HEARINGS**

### Conservation Commission:

Member at Large (Term Expires June 30, 2025): Erin Copeland:

It was the unanimous decision of the Conservation Commission to recommend the appointment of Erin Copeland from Associate Commission to full-time Conservation Commissioner status to fill the vacancy created by the resignation of Thomas J. O'Neill.

**Motion made by Selectman Sherman to appoint Erin Copeland to the Conservation Commission as a Member At Large as recommended.**

**Motion seconded by Selectman Wyman-Colombo.**

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

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

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

Associate Member (Term Expires June 30, 2023): Sandi Godfrey:

Mashpee resident Sandi Godfrey was endorsed by the Conservation Commission as an Associate Member.

**Motion made by Selectman Sherman to appoint Sandi Godfrey to the Conservation Commission as an Associate Member.**

**Motion seconded by Selectman Wyman-Colombo.**

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

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

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

## **OLD BUSINESS**

Discussion and Possible Action on Community Preservation Act Committee Disc Golf Application: Drew McManus: (Continued from January 9, 2023 Select Board Meeting):

Andrew McManus, President of the Disc Golf Club was in attendance to further discuss the proposed site for the disc golf course, a project supported by the Community Preservation Committee for funding at the May 2023 Special Town Meeting that is pending on the site selection approval by the Select Board.

After discussing this matter at the last meeting it was determined the 156 Ashumet Road site is prioritized for the creation of a disc golf course. This area is considered a recreational hub in the Town of Mashpee as it lies in close proximity to access Heritage Park, the dog park and pickleball courts. Recreation Director Mary K. Bradbury and DPW Director Catherine Laurent were noted to be supportive of this proposal and of the site location on town-owned land with established parking to the rear of the Heritage Park recreational area.



Mashpee Select Board  
Minutes  
January 23, 2023

---

## **APPOINTMENTS & HEARINGS**

Discussion and Possible Action on Community Preservation Act Committee Disc Golf Application: Drew McManus: (Continued from January 9, 2023 Select Board Meeting): (continued)

In discussing the proposed Disc Golf proposal, it was recommended that a speed limit sign be posted at the start of the road, and that a crosswalk be installed for pedestrian safety. A letter to all abutters will be issued to make the residents aware of the potential plan making note of the proposed signage and crosswalk for safety. It is also expected that Town Counsel would draft a Memorandum of Understanding between the Town and Disc Golf Club to develop an understanding of responsibilities standard with other towns on the management and maintenance of the course.

If the project moves forward Mr. McManus, President of the Disc Golf Club indicated a conceptual design would be developed showing the detail of the course, buffer areas, intended parking as well as the signage and crosswalk for safety.

Brian Everett of Forest Drive commented on the former disc golf proposal in 2016. The \$18,000 project was indefinitely postponed as there were legitimate concerns by the past membership of the Select Board utilizing Mashpee funds to create a recreational activity for outsiders. Mr. Everett indicated there are also environmental impacts to the creation of the course. In the Town of Sandwich 100 trees were removed. In closing Mr. Everett stated what is being proposed to the fragile, open space environment should be reviewed in conjunction with the cost of the \$200,000 project.

It was noted that it is anticipated the majority of users of the proposed disc golf course would be Mashpee residents and there are other recreational activities in the Town that are used by residents and other participants. The goal is to encourage outdoor activity in this low impact sport for all age groups.

There was concern by Selectman Weeden with regards to a recent comment regarding the expenditure at a time when the Town needs to carefully look at spending.

**Motion made by Selectman Cotton to authorize the use of 156 Ashumet Road, Mashpee for the proposed 18-hole Disc Golf Course.**

**Motion seconded by Selectman Sherman.**

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

**Roll Call Vote:**

**Selectman Weeden, no**

**Selectman Cotton, yes**

**Selectman O'Hara, yes**

**Selectman Sherman, yes**

**Selectman Wyman-Colombo, yes**

**Opposed, (1)**

Mashpee Select Board  
Minutes  
January 23, 2023

---

## NEW BUSINESS

### Update on Fiscal Year 2024 Budget: Town Manager Rodney Collins:

Town Manager Rodney C. Collins presented a draft of the Fiscal Year 2024 budget to the Select Board for review. This is a preliminary Town Manager's Operating Budget reflective of a decrease of under \$1 million from the departmental requests. The departmental requests amount to \$69,446,046. Last year the FY2023 budget was \$66,255,198. The Town Manager's budget recommendation of \$68,529,511 represents an increase of \$2.2 million or 3.43% change.

Several factors have attributed to the increase. This includes recommendations for personnel that have previously been omitted from the budget. The bottom line does not show much of a change however the positions represent an increase to the medical, insurance and retirement expense accounts. Of note, the Cape Cod Technical School budgets have increased by 13.33% or \$198,026. This includes the debt related to the construction project and tuition expenses.

Costs associated to insurance have not been determined. The anticipated cost is presented as a 10% increase for budgeting purposes. The Cherry Sheet has not been received and therefore the State Aid budget has not been determined. The actuals will modify preliminary estimates.

In general, the budget result is level paced on expenses. As noted, it is anticipated that personnel would be added. This includes a grant administrator under the Town Manager's Office and a staff person to assist in the daily processes of this office. Accounting has similar needs. Support has been denied on several budget rounds. With the upcoming wastewater project and other anticipated responsibilities staff support is much-needed. Other impacts to the FY 2024 budget include collective bargaining agreements with all unions.

The Capital Improvement Program (CIP) Committee is scheduled to convene next week. There are critical decisions and priorities to determine the direction of the town.

It is assumed that an override would be requested in FY 2025. Several years ago the financial forecast predicted an override would be necessary in FY 2023. In terms of long term sustainability an override is highly regarded before the Town would impose budget consequences.

As the FY 2024 budget continues to be reviewed, a more detailed analysis will be presented to the Select Board.

## LIAISON REPORTS

Human Service Committee: At the last Human Service Committee meeting the President of St. Vincent DePaul updated the committee on the food pantry and the increased request for food items and paper goods.

Mashpee Chamber of Commerce: The annual Chamber meeting and dinner is scheduled to be held on Thursday, March 23, 2023 at 5:30 p.m. Recommendations are being accepted for the Unsung Heroes Awards and for the Citizen of the Year. Advertisement and commentaries for the Annual Mashpee Chamber booklet are also sought.

Mashpee Select Board  
Minutes  
January 23, 2023

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## **WATER QUALITY UPDATES**

At the last meeting Selectman Wyman-Colombo requested the Select Board take a leadership stance for clean water. Chairman Weeden abiding by this call to action requested the Select Board re-schedule roundtable workshop sessions to bring multiple groups together to work towards achieving corrective actions and progress in the area of water quality.

It was noted the Select Board previously held several positive roundtable discussions with the engagement of Town Officials. The regular meetings were placed on hold due to the pandemic.

It was agreed that findings from previous actions would be discussed. This includes new information on the proposed regulatory framework for Title V regulations and requirements for Natural Resource Areas imposed by the Department of Environmental Protection (DEP).

Prior to the roundtable discussion it was agreed the new Health Agent would be invited to attend the next Select Board meeting as an introductory session.

It was agreed the Select Board would compile a list of questions to be discussed to contribute to the working agenda for the next roundtable meeting. This information will be compiled by the Office of the Town Manager and forwarded to the applicable departments to bring forth advancement to the productivity of this meeting.

In other business it was noted the Cape Cod Water Protection Collaborative has a vacant position.

## **TOWN MANAGER UPDATES**

Wastewater: The short and long term financial agreements under the State Revolving Fund have been executed at an interest rate of 0% over a term of 30 years.

Town Auction: Surplus items will be placed on auction next week.

Town Meeting Articles: The deadline for articles to be submitted for the Special and Annual Town Meeting Warrants is Monday, February 13, 2023.

Capital Improvement Program: The CIP is expected to convene next week to deliberate on capital projects proposed for the FY2024 capital improvement program.

Cell Tower: All tasks relative to the cell tower have been completed by the Town of Mashpee.

Mashpee Select Board  
Minutes  
January 23, 2023

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## **ADJOURNMENT**

**Motion made by Selectman Sherman to adjourn at 8:26 p.m.**

**Motion seconded by Selectman Cotton.**

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

### **Roll Call Vote:**

<b>Selectman Weeden, yes</b>	<b>Selectman Cotton, yes</b>	<b>Selectman O'Hara, yes</b>
<b>Selectman Sherman, yes</b>	<b>Selectman Wyman-Colombo, yes</b>	<b>Opposed, none</b>

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](mailto:bos@mashpeema.gov)

### MEMORANDUM

Date: February 9, 2023

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

From: Stephanie A. Coleman, Administrative Secretary 

Re: Public Hearing: Livery/ Vehicle for Hire Service

#### Description

The Mashpee Select Board, acting as the Local Licensing Authority for the Town of Mashpee, will conduct a public hearing on the application of Amy Perry Erickson for operation of one vehicle for Livery/Vehicle for Hire Service.

Except as otherwise provided by law, no person shall engage in the business of transporting persons for hire in a vehicle, whether a taxicab or a livery, without first having obtained a permit from the Board of Selectmen authorizing him/her to engage in such business; said permit shall designate the number of such vehicles that may be used under such permit.

The applicant will need to submit a copy of the vehicle registration and a certificate of insurance.

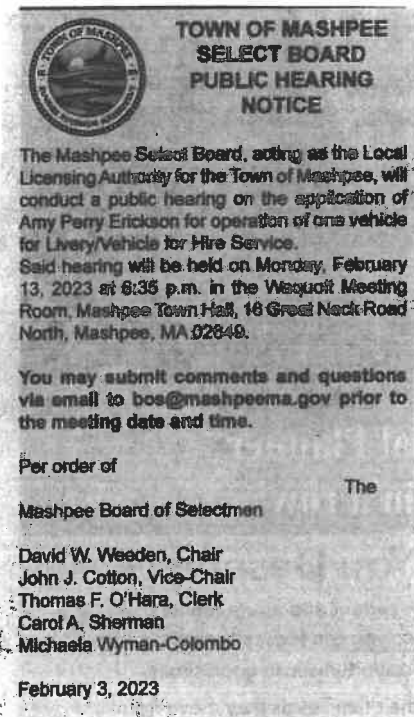


**TOWN OF MASHPEE  
SELECT BOARD  
PUBLIC HEARING NOTICE**

The Mashpee Select Board, acting as the Local Licensing Authority for the Town of Mashpee, will conduct a public hearing on the application of Amy Perry Erickson for operation of one vehicle for Livery/Vehicle for Hire Service.

Said hearing will be held on Monday, February 13, 2023 at 6:35 p.m. in the Waquoit Meeting Room, Mashpee Town Hall, 16 Great Neck Road North, Mashpee, MA 02649.

You may submit comments and questions via email to [bos@marshpeema.gov](mailto:bos@marshpeema.gov) prior to the meeting date and time.



Per order of  
**The Mashpee Board of Selectmen**

David W. Weeden, *Chair*  
John J. Cotton, *Vice-Chair*  
Thomas F. O'Hara, *Clerk*  
Carol A. Sherman  
Michaela Wyman-Colombo

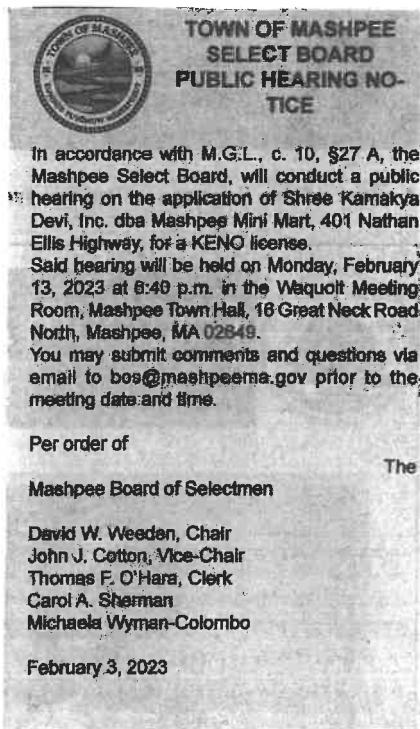


**TOWN OF MASHPEE  
SELECT BOARD  
PUBLIC HEARING NOTICE**

In accordance with M.G.L., c. 10, §27 A, the Mashpee Select Board, will conduct a public hearing on the application of Shree Kamakya Devi, Inc. dba Mashpee Mini Mart, 401 Nathan Ellis Highway, for a KENO license.

Said hearing will be held on Monday, February 13, 2023 at 6:40 p.m. in the Waquoit Meeting Room, Mashpee Town Hall, 16 Great Neck Road North, Mashpee, MA 02649.

You may submit comments and questions via email to [bos@mashpeema.gov](mailto:bos@mashpeema.gov) prior to the meeting date and time.



Per order of  
The Mashpee Board of Selectmen

David W. Weeden, *Chair*  
John J. Cotton, *Vice-Chair*  
Thomas F. O'Hara, *Clerk*  
Carol A. Sherman  
Michaela Wyman-Colombo



# TOWN OF MASHPEE


## OFFICE OF THE SELECT BOARD

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

### MEMORANDUM

Date: February 6, 2023

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

From: Stephanie A. Coleman, Administrative Secretary 

Re: Public Hearing: KENO License Application

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#### Description

In accordance with M.G.L., c. 10, §27 A, the Mashpee Select Board, will conduct a public hearing on the application of Shree Kamakya Devi, Inc. dba Mashpee Mini Mart, 401 Nathan Ellis Highway, for a KENO license.

Said hearing will be held on Monday, February 13, 2023 at 6:40 p.m. in the Waquoit Meeting Room, Mashpee Town Hall, 16 Great Neck Road North, Mashpee, MA 02649.

If the city/town objects to the issuance of the KENO license, it must claim its right to a hearing before the Massachusetts State Lottery Commission within twenty-one (21) days of receipt of the notice from the State. In accordance with section 27 A (b) the objection of a city/town must be "as a result of an official action" taken by said city or town regarding the KENO application. To be fair and apply the same criteria to all cities, towns, and applicants, the MSLC defines an "official action" to be one in which the applicant appeared, or was given the opportunity to appear, before the licensing authority to discuss the issue at the local level in an open hearing or meeting prior to the hearing at the MSLC.

Thank you.





# Massachusetts State Lottery Commission

DEBORAH B. GOLDBERG  
*Treasurer and Receiver General*

MARK WILLIAM BRACKEN  
*Interim Executive Director*

January 30, 2023

Mashpee Board of Selectmen  
16 Great Neck Road  
Mashpee, MA 2649

Dear Sir/Madam:

In accordance with Massachusetts General Laws, chapter 10, section 27A, (as amended on 5/20/96), you are hereby notified that an application for a KENO license has been received by the Massachusetts State Lottery Commission, (MSLC) from:

Mashpee Mini Mart  
401 Nathan Ellis Hwy.  
Mashpee

If the city/town objects to the issuance of the KENO license, it must claim its right to a Hearing before the MSLC within twenty-one (21) days of receipt of this notice.

In accordance with section 27A (b), the objection of the city/town must be "as a result of an official action" taken by said city or town regarding the KENO applicant. To be fair and apply the same criteria to all cities, towns, and applicants, the MSLC defines an "official action" to be one in which the applicant appeared, or was given the opportunity to appear, before the licensing authority to discuss the issue at the local level in an open hearing or meeting prior to the Hearing at the MSLC.

If you object to these agent(s) receiving a monitor, you must do so, in writing, within twenty-one (21) days of receipt of this letter. If applicable, please address your written objection to the Massachusetts State Lottery Commission, Legal Department, 150 Mount Vernon Street, Dorchester, MA 02125 and send via email to [cporche@masslottery.com](mailto:cporche@masslottery.com) or by mail. Should you have any questions regarding this program or any other issues relative to the Lottery, please call the Lottery's General Counsel, Greg Polin, at 781-917-6057 or via email at [gpolin@masslottery.com](mailto:gpolin@masslottery.com). We look forward to working with you as the Lottery continues its efforts to support the 351 cities and towns of the Commonwealth.

Very truly yours,

MSLC Licensing Department

cc: Legal Department, Massachusetts State Lottery Commission (MSLC)

Mashpee Mini Mart - 741359

[TMCook@MashpeeMA.gov](mailto:TMCook@MashpeeMA.gov); [WTaylor@mashpeema.gov](mailto:WTaylor@mashpeema.gov)



*Supporting the 351 Cities and Towns of Massachusetts*



# TOWN OF MASHPEE

## OFFICE OF THE SELECT BOARD

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

### MEMORANDUM

Date: February 9, 2023

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 Half-Marathon, September 23, 2023

#### Description

Discussion of the Special Event Application for the Mashpee Half Marathon, proposed to take place on Monday, September 23, 2023 from 7 am to 10:30 am.

#### Background

The race would start at 7 am on September 23, 2023, beginning and ending on Great Oak Road. The applicant believes traffic impacts should be greatly reduced by 10 am. Police details will be released on or before the four hour detail requirements. About 500 people are expected to attend the race with a majority of the participants finishing by 9 am.

The applicant is proposing to utilize the following for parking:

- South Cape State Park
- Having volunteers guide cars parking along the paved side of Mc Gregor's Road. Using one lane to park and one lane for an exit
- Bay Lot
- Town Landing Road

Attached is the route map.

#### Recommendations

**\*Applicant will provide the Town, prior to any services, a Certificate of Insurance Liability with a minimum amount of \$1,000,000 coverage, combined for bodily injury and property, naming the Town of Mashpee as an additional insured**

Health – Approved. No comments

Building – Approved. Provide accessible parking and portable toilets



DPW – Incomplete. The applicant would be responsible for providing electronic message boards for advance notice as well as police details and traffic signage during the event. Applicant should be required to provide recycling services/clean up and portable toilets at South Cape Beach and along the routes.

Fire – Incomplete. More information is needed regarding aid stations and EMS needs

Police – Approved. Fifteen (15) detail officers for the event.

# Mashpee Half Marathon for 9/23

<https://www.strava.com/routes/3046496309210799338>

12.97 mi

Distance

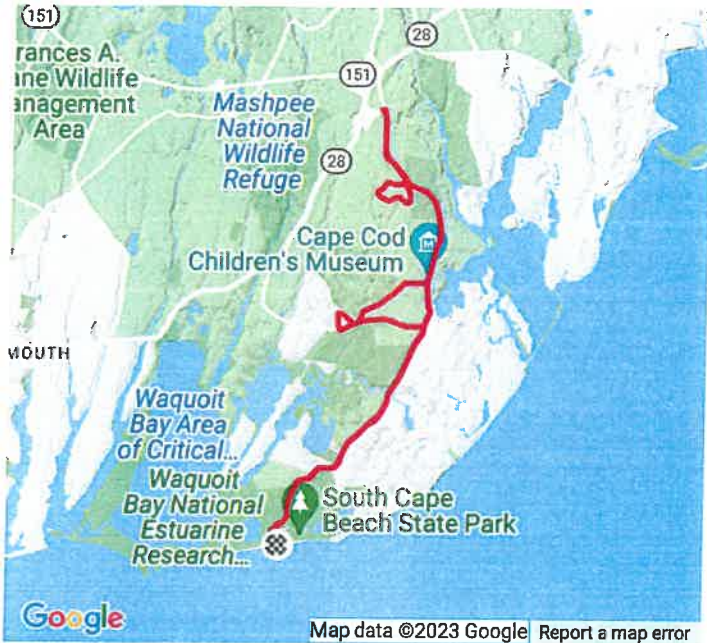
250 ft

Elevation Gain

Road

Run Type

Est. Moving Time: 2:02:08



Route recommendations may be incomplete and/or inaccurate and may contain sections of private land and/or sections of terrain that could be challenging or hazardous. Always use your best judgement about the safety of road and trail conditions and follow traffic and property laws. Est. Moving Time based on your avg pace of 9:23/mi over last 4 weeks

DIRECTION	DISTANCE (miles)
Proceed onto off-road waypoint. No data available	0.0
Proceed onto Great Oak Road	0.1
Continue on Great Neck Road South	2.7
Proceed onto off-road waypoint. No data available	3.3
Right onto Great Neck Road South	5.1
Proceed onto Great Neck Road South	5.1

Continue on Great Hay Road South	5.5
Proceed onto off-road waypoint. No data available	5.5
Right onto Great Pines Drive	5.9
Proceed onto Great Pines Drive	5.9
Proceed onto Great Pines Drive	6.1
Proceed onto Great Pines Drive	6.2
Proceed onto Great Pines Drive	6.4
Proceed onto Great Pines Drive	6.6
Proceed onto Great Pines Drive	6.7
Proceed onto Great Pines Drive	6.8
Proceed onto Great Pines Drive	6.9
Proceed onto off-road waypoint. No data available	6.9
Right onto Great Neck Road South	7.9
Right onto Lisa Lane	8.1
Proceed onto Lisa Lane	8.1
Continue on Tracy Lane	8.1
Continue on Degrass Road	8.3
Continue on Degrass Road	8.3
Proceed onto Degrass Road	8.5
Continue on Great Hay Road	8.7
Right onto Red Brook Road	8.9
Proceed onto Wintergreen Road	8.9
Proceed onto Wintergreen Road	9.1
Right onto Red Brook Road	9.3
Proceed onto Red Brook Road	9.3
Proceed onto Red Brook Road	10.1
Right onto Great Oak Road	10.1
Proceed onto off-road waypoint. No data available	12.8
Arrive at Finish	12.9



## *Town of Mashpee*

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*16 Great Neck Rd North  
Mashpee, MA 02649*

### Hazard Mitigation Planning Committee

As suggested by Jamie Caplan Consulting LLC

Rodney Collins	Town Manager
Wayne Taylor	Assistant Town Manager
Chief Jack Phelan	Fire Department / Emergency Management
Chief Scott Carline	Police Department
Clay Nicholson	GIS Coordinator
Evan Lehrer	Town Planner
Catherine Laurent	Public Works Director
Ashley Fisher	Natural Resources Director
Andrew McManus	Conservation Agent
Zachary Seabury	Health Agent
	Tribe representative
	Planning/Community Development member
	Resident (recommend 2-3 members at large)



**TOWN OF MASHPEE**  
**DEPARTMENT OF NATURAL RESOURCES**

31 Mercantile Way Unit 6/7  
Mashpee, Massachusetts 02649  
Telephone – (508) 539-1410



**MEMORANDUM**

**February 9, 2023**

**TO:** Rodney C. Collins, Town Manager and the Mashpee Select Board

**FROM:** Ashley Fisher, Director of Natural Resources

**RE:** *Appointment Housekeeping: Christopher Avis- Shellfish Constable*

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**Description:**

Mashpee's newly hired Shellfish Constable, Christopher Avis, needs to be formally appointed by the Select Board per Massachusetts General Law Ch.130 § 98, which states the mayor or selectmen shall appoint a person as Shellfish Constable for a period of three years. Please see full M.G.L. verbiage below. Christopher Avis has already been appointed by the Town Manager on 12/21/22, he has also completed all of the necessary course requirements as outlined within Ch. 130 § 98.

**Explanation:**

*Ch.130 § 98 states: " In each city and town bordering on coastal waters the mayor or the selectmen, as the case may be, shall appoint a person or persons, qualified by training and experience in the field of shellfishery management, as shellfish constables or deputy shellfish constables. A person having successfully completed the shellfish wardens training course at the Massachusetts Maritime Academy as certified by said academy, shall be considered qualified by training and experience in the field of shellfishery management and shall be eligible for appointment as a shellfish constable or deputy shellfish constable. Such shellfish constables and deputy shellfish constables shall be appointed for terms of three years, and may be reappointed. They shall, subject to the appointing authority, initiate, promote and manage shellfisheries in such city or town and shall make or cause to be made such studies as may be necessary to enhance the value of such shellfisheries. They shall enforce all statutes, ordinances, by-laws, rules and regulations relative to shellfish in such city or town. They shall, for the enforcement of sections thirty-one, thirty-seven, forty-one, forty-three and forty-four, have the authority granted to natural resource officers, subject to written rules and regulations of the commissioner. In the performance of his duties, a shellfish constable or deputy shellfish constable may request any person who he has cause to believe is engaged in unlawful shellfishing, is in unlawful possession of shellfish, or is in possession of shellfish unlawfully taken, to display forthwith for inspection all shellfish in his possession, and he may arrest without a warrant any person refusing or failing to comply with such request.*

*Upon the appointment of a shellfish constable or deputy shellfish constable under this section, the appointing authority shall forthwith notify the director of the division of marine fisheries and the director of the division of law enforcement"*

**Respectfully submitted,**

**Ashley K. Fisher**

**Mashpee Director of Natural Resources**

February 14, 2023

Lt. Patrick Grady  
Mass. Environmental Police Boston HQ  
251 Causeway Street, Suite 101  
Boston, MA 02114

Daniel McKiernan  
Director of the Division of Marine Fisheries  
Division of Marine Fisheries  
251 Causeway Street, Suite 400  
Boston MA 02114

Dear Lt. Grady and Director McKiernan:

Please be advised that as the appointing authority for the Town of Mashpee, let this letter serve as notice that Christopher Avis was appointed effective December 21, 2022 as the Town of Mashpee's Shellfish Constable.

At the Select Board meeting on February 13, 2023, the Board voted to endorse the appointment of Mr. Avis.

Sincerely,

Rodney C. Collins  
Town Manager



# TOWN OF MASHPEE

## OFFICE OF THE SELECT BOARD

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

### MEMORANDUM

Date: February 9, 2023

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

From: Carol A. Sherman, EDIC Chair

Re: Board, Committee and Commission: Appointment

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#### Description

On January 31, 2023 the Economic Development Industrial Corporation voted to appoint Rick Cayer as a Commercial Representative, term expires June 30, 2023.

Attached is Mr. Cayer's letter of interest and resume.



**From:** Rick Cayer

**Sent:** Wednesday, October 12, 2022 3:52 PM

**To:** Terrie Cook <tmcook@mashpeema.gov>

**Subject:** Application for Vacancy on Economic Development and Industrial Corporation

**Attention!:** Links contained herein may not be what they appear to be. Please verify the link before clicking! Ask IT if you're not sure.

Mashpee Select Board,

My name is Rick Cayer. Myself, my wife, and two young children moved to Mashpee in 2020. I noticed that there is a vacancy on the Economic Development and Industrial Corporation, so I thought it would be worth reaching out to you to express my interest in joining that committee.

I am a full time real estate investor who owns a company that purchases, renovates, and rents out residential properties throughout the United States. I personally self manage all of our tenant occupied

properties as well as any renovation projects of our vacant properties, so I have an appreciation for what an owner goes through to get a dwelling unit move-in ready and maintain it as such.

When you have a moment, please let me know if the Economic Development and Industrial Corporation has an interest in continuing the conversation. If not, I am also open to other committee(s) where my experience could be put to use. As a young, relatively new person to town, I would like to find a way to have a positive impact on the community, so any suggestions are welcome.

Thanks,

Rick Cayer

# Rick Cayer

Mashpee, MA 02649

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## **SUMMARY:**

Rick Cayer has been a real estate investor since 2012. He owns and manages single family homes in the Tampa/St Petersburg, FL, Atlanta, GA, and Columbia/Charleston, SC areas. Additionally, he has experience renovating distressed, unoccupied properties, then selling or renting them at an affordable price point.

Rick graduated from Fairfield University with a Bachelor of Science in Finance and Marketing. He enjoys running throughout Mashpee's conservation land and as a guide for visually impaired runners with Achilles International. He loves to travel, at this point having been to 43 states and 11 countries. On a more day-to-day basis though, he is navigating the adventure that comes with being a parent to his 3 year old son and 1 year old daughter.

## **REAL ESTATE EXPERIENCE:**

### **RC3 Real Estate LLC**

**Tampa/St Petersburg, FL Atlanta, GA Columbia/Charleston, SC**

*Real Estate Investor*

February 2012-Present

- Buy, renovate, and rent single family residential properties.
- Manage existing single family residential properties including, but not limited to:
  - Advertising vacancies, arranging showings, and screening prospective tenants.
  - Liaising with tenants and service techs for repairs.
  - Bookkeeping tasks, including making sure each tenant is current on their rent.
  - Semiannual trips to each property to inspect and identify preventative repairs.
- Continually building relationships with lenders to ensure the proper amounts of liquidity are available.

## **FINANCIAL SERVICES EXPERIENCE:**

### **Bank of America Corporation (acquired Merrill Lynch & Co., Inc. in 2008)**

**New York, NY**

*Equity Derivatives Trader Support - Assistant Vice President*

March 2011-December 2014

- Responsible for fully supporting the sales and trading teams on the Equity Derivatives desks, including booking and allocating their trades.

*Equity Derivatives Documentation and Affirmations - Specialist*

October 2008-October 2010

- Drafted confirmations and affirmed trades for swaps, options, and structured trades.

### **UBS AG (USA)**

**Stamford, CT**

*Equity Derivatives Confirmations - Consultant*

July 2007-October 2008

- Trained and administered related testing to the confirmations offshore teams on standard operating procedures, basic product knowledge of swaps and options, systems, and client relation skills.

## **EDUCATION:**

### **Fairfield University**

Bachelor of Science in Finance and Marketing

**Fairfield, CT**

May 2007

### **Lorenzo de Medici School**

Early Renaissance Art in Italy

**Florence, Italy**

Winter 2006

## EASEMENT

Save Popponesett Bay, Inc., a Massachusetts non-profit corporation, the owner of beachfront property located in Mashpee, Massachusetts, the "Grantor(s)", which term shall include for all purposes all successors in interest including heirs, successors and assigns, grant to said Town of Mashpee, the "Grantee" acting through its Board of Selectmen, an easement, for the duration as described below, of the nature and character and to the extent hereinafter set forth, over a portion of Grantor's property (the "Property") located at the Popponesett Spit in Mashpee MA, as described in the deed Certificate #182784 Lot #B Plan #11408-A(1) Assessors Map 112 Parcel 58 and deed Certificate #180950: Lot #B-1 Plan #11408-C(3) Assessors Map 106 Parcel 35 as registered with the Barnstable County Registry District of the Land Court, Barnstable, Massachusetts.

### WITNESSETH:

WHEREAS, Grantor is sole owner in fee simple of the Property as described above, and

WHEREAS, the Property possesses natural, scenic and open space values of importance to the people of Mashpee and the people of the Commonwealth of Massachusetts; and

WHEREAS, the value of the Property has been (or will be) restored, enhanced and protected by a municipally funded beach nourishment project more particularly described in Exhibit A attached hereto and incorporated by this reference (the "Nourishment Project"); and

WHEREAS, Grantor has received a direct benefit from said publicly funded beach Nourishment Project;

NOW, THEREFORE, in consideration of the facts recited above and the mutual covenants, terms, conditions and restrictions contained herein, and pursuant to laws of the Commonwealth of Massachusetts, the Grantor hereby voluntarily grants and conveys to the Grantee a non-exclusive easement over the Property of the nature and character and to the extent hereinafter set forth:

There is granted to the Grantee, in common with the Grantor and others lawfully entitled thereto, a public on-foot right-of-passage along and across the portion of the Property of the Grantor between the pre-project mean high water line and the entire "nourished area" to the mean low water line, which easement area is labelled "Area of Easement" as set forth in Exhibit A (the "Easement Area"), subject to the following restrictions and limitations:

1. Said public on-foot right-of-passage shall not be exercised (a) later than one-half hour after sunset nor earlier than sunrise; (b) where the Commissioner of the Department of Environmental Management for the purpose of protecting marine fisheries and wildlife or for controlling erosion, designates and posts natural area of critical ecological significance as areas in which, on either a regular or seasonal basis as circumstances in each situation require, the public not exercise the on-foot free right-of-passage; (c) where there exists a structure, enclosure or other improvements made or allowed pursuant to any law or any license, permit or other authority issued or granted under the General Laws, provided that such area is clearly and conspicuously posted.
2. If the Grantor(s), and the heirs, successors and assigns of the Grantor(s) prevent the exercise of this easement, then, in that event, they covenant and agree to reimburse the Grantee, after final proper adjudication, all reasonable cost and expenses (including without limitation reasonable counsel fees) incurred in enforcing this easement or in remedying or abating any violation thereof. By its acceptance, the Grantee does not undertake any liability or obligation relating to the condition of the Property.
3. The private beach area where the Nourishment Project is to be implemented is undergoing active erosion of the beach face. The placement of the beach quality sand at this location is designed to serve as a temporary seaward advancement of the beach profile through the artificial placement of sacrificial sand. Therefore, the easement as described herein shall only be in effect for as long as an appreciable volume of sand placed within the Easement Area as a result of this project remains in place. The presence of this appreciable volume of sand within the Easement Area as a result of either the initial project, or subsequent re-nourishment efforts of a similar nature, shall be confirmed through field engineering surveys and/or photographic evidence provided by the Town of Mashpee or Grantor. This information shall be coordinated with property owner to confirm whether, or not, the easement shall either remain in effect, or expire due to erosion of the beach back to its original pre- project condition.

These conditions shall not be construed to:

1. Prevent the Grantor from taking reasonable measures to prohibit unlawful activities by users of the area intended for public passage, including but not limited to trespassing on the adjacent private areas and deposit of refuse of any kind or nature in the water or on the shore and to prevent use as a public beach.
2. Require the Grantor to maintain or replenish the Easement Area.
3. Grant any rights to any person to enter upon any portion of the Grantor's Property above the location of the mean high water line as it exists in the pre-project condition as set forth in Exhibit A or outside the Easement Area.

The exercise by the Grantor of the right hereby granted to the public of free on-foot passage in accordance with these conditions shall be considered a permitted use to which the limited liability provisions of M.G.L. c.21, s.17C apply.

The parties may execute this instrument in two or more counterparts, which shall, in the aggregate, be signed by both parties: each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

The Grantor agrees to reference this Easement in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Property.

The Town of Mashpee shall register this instrument in a timely fashion in the Barnstable County Registry District of the Land Court.

Dated as of the 26<sup>th</sup> day of January, 2023.

Save Popponesett Bay, Inc.

By: Kathy Cramer

Its: President

By: Michael Moskowitz

Its: Treasurer

COMMONWEALTH OF MASSACHUSETTS

Palm Beach, FLORIDA

ss:

On this 26<sup>th</sup> day of January, 2023, before me, the undersigned Notary Public, personally appeared Michael Moskowitz, the Treasurer of Save Popponesett Bay, Inc., proved to me through satisfactory evidence of identification, which was a Massachusetts Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose and as the free act and deed of Save Popponesett Bay, Inc.

Notary Public

My Commission Expires: 7/9/2023



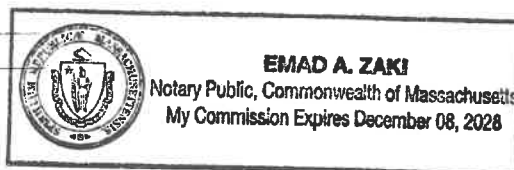
COMMONWEALTH OF MASSACHUSETTS

Middlesex ss:

On this 31 day of January, 2023, before me, the undersigned Notary Public, personally appeared Kathy Cramer, the President of Save Popponesett Bay, Inc., proved to me through satisfactory evidence of identification, which was a State issued Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose and as the free act and deed of Save Popponesett Bay, Inc.

Notary Public

My Commission Expires: 12/08/2028



Town of Mashpee

The above easement is approved and accepted this \_\_\_\_ day of \_\_\_\_\_, 2023

The Mashpee Board of Selectmen

\_\_\_\_\_  
David W. Weeden, Chair

\_\_\_\_\_  
John J. Cotton, Vice Chair

\_\_\_\_\_  
Thomas F. O'Hara, Clerk

\_\_\_\_\_  
Carol A. Sherman

\_\_\_\_\_  
Michaela Wyman-Colombo

COMMONWEALTH OF MASSACHUSETTS

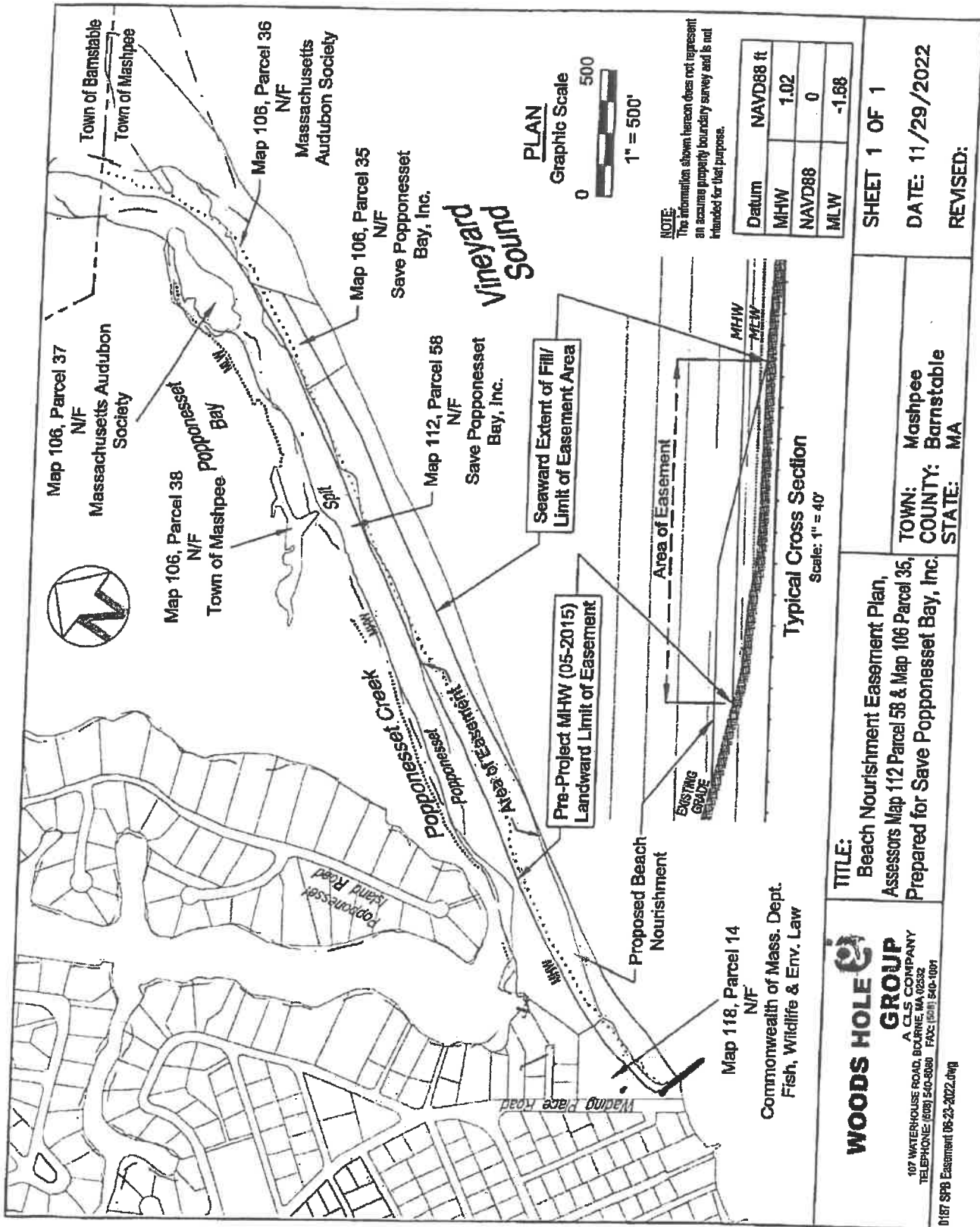
\_\_\_\_\_, ss: \_\_\_\_\_, 2023

On this \_\_\_\_ day of \_\_\_\_\_, 2023, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, members of the Board of Selectmen of Mashpee, proved to me through satisfactory evidence of identification, which was they are personally known by me to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that each member signed it voluntarily for its stated purpose.

Notary Public \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

# "Sketch Plan"

## Exhibit A Plan Showing Easement Area



CLERK'S CERTIFICATE

SAVE POPPONESETT BAY, INC.

The undersigned, Michael Moskowitz, certifies as follows:

- (a) I am the duly elected and serving Clerk and Treasurer of SAVE POPPONESETT BAY, INC. a Massachusetts non-profit corporation (the "Company");
- (b) attached hereto as Exhibit A is a true, correct and complete copy of certain resolutions adopted by unanimous written consent of all of the Directors of the Company, and that such votes and authority vested thereby have not been amended or rescinded and are still in force and effect as of the date hereof; and
- (c) Kathy Cramer is the duly elected President of the Company.

Witness my hand and seal as of the 26 day of January, 2023.

  
Michael Moskowitz, Clerk



## EXHIBIT A

RESOLVED: that the Company grant an easement in favor of the Town of Mashpee allowing the on foot right of passage by members of the public over a portion of the property owned by the Company as described in Certificate of Title #182784 issued by the Barnstable County Registry District of the Land Court.

RESOLVED: that Kathy Cramer as President of the Company and Michael Moskowitz as Treasurer of the Company, are each, acting together or separately, authorized and empowered on behalf of the Company to take such actions and execute and deliver such documents as may be necessary or desirable to grant the foregoing easement, any such documents to be in form and substance as shall be determined by said Kathy Cramer or Michael Moskowitz, acting together or separately, as conclusively evidenced by his or their execution thereof.

RESOLVED: that all actions previously taken and agreements previously executed and delivered by said Kathy Cramer as President of the Company and/or Michael Moskowitz as Treasurer of the Company are hereby ratified and confirmed.

Deborah Kaye  
Town Clerk  
(508) 539-1418  
[dkaye@mashpeema.gov](mailto:dkaye@mashpeema.gov)



Office of the Town Clerk  
Mashpee Town Hall  
16 Great Neck Road North  
Mashpee, MA 02649

TOWN MANAGERS OFFICE  
FEB 3 '23 PM 1:49

To: Select Board

From: Deborah F. Kaye  
Town Clerk

Date: February 3, 2023

Re: Future Mashpee Elections

In the early 1990s, the Town began holding their elections at the Quashnet School, formerly known as the Mashpee Middle School. Over the last 32 years, all of Mashpee's elections have been held at the Quashnet School. It should be noted that there was never a time that police were required to intervene.

Over the last number of years, I have heard growing concern from parents, teachers, and school administration about the need to relocate our polling place.

John D. Rockefeller once said, ***"Don't be afraid to give up the good to go for the great."*** In working with the Town Manager, the Librarian, the COA Director, I have developed a plan to move the elections to the following locations: Precincts 1 and 2 would relocate to the Mashpee Senior Center, Precincts 3 and 4 would relocate to the Mashpee Town Hall, and Precinct 5 would relocate to the Mashpee Library.

Under the newly adopted "Votes Act of 2022 (Act)," the Mashpee Board of Registrars are mandated to recommend the relocation of polling places to the Mashpee Select Board. On January 31, 2023, the Mashpee Board of Registrars held their meeting with respect to election changes facing the Town. The first of which is the need to move all five (5) polling places to new locations. The School Committee has made it clear over the years that there is probable cause for safety concerns for both students and faculty. Even though the history exhibits the innocence of our town voters, change has arrived.

Therefore, I request that the Select Board vote to approve my recommendation that Mashpee's precincts be moved to the following locations: Precincts 1 & 2 would move to the Council on Aging, 26 Frank E. Hicks Drive; Precincts 3 & 4 would move to the Town Hall, (Waquoit/Ockway meeting rooms), 16 Great Neck Road North; and Precinct 5 would move to the Library (Event Room), 64 Steeple Street.

Additionally, while we are mandated to offer Early Voting By-Mail, I would like to offer the Mashpee voters the opportunity to Early Vote "In-Person. Therefore, I would ask that the Select Board also make a motion to offer Mashpee voters the opportunity to vote in person, beginning 8:30 am on April 19, 2023 through 4:30 pm on April 26, 2023. The Act mandates that Early Voting In-Person must end two days prior to Election Day; obviously written for Tuesday elections.

corresponding chapters and Sections of any rearrangement, recodification, or revision of such statutes enacted or adopted subsequent to the adoption of this charter.

- (d) Specific Provision to Prevail - To the extent that any specific provision of this charter shall conflict with any provision expressed in general terms, the specific provisions shall prevail.

#### SECTION 7-5: RULES AND REGULATIONS

A copy of all rules and regulations adopted by any town agency shall be filed in the office of the Town Clerk before any such rule or regulation shall become effective, and copies shall be made available for review by any person who requests such information. No rule or regulation adopted by any town agency shall become effective until ten days following the date it has been so filed in the office of the Town Clerk. Attested copies shall also be kept available in the Public Library.

#### SECTION 7-6: CERTIFICATE OF ELECTION OR APPOINTMENT

Every person who is elected, including any elected by town meeting vote, or appointed to an office of the town shall receive a certificate of such election or appointment from the Town Clerk. Except as otherwise provided by law, before performing any act under an appointment or election all such persons shall take and subscribe to an oath of office and be sworn to the faithful performance of their duties.

#### SECTION 7-7: PERIODIC REVIEW, CHARTER AND BY-LAWS

- (a) Charter Review - At least once in every ten (10) years, beginning in 2013, and thereafter in each year ending in a three (3), a special committee to consist of nine (9) members shall be established for the purpose of reviewing this charter and to make a report, with recommendations, to the town meeting concerning any proposed amendments which said committee may determine to be necessary or desirable. The committee shall consist of nine (9) members who shall be chosen as follows: the Board of Selectmen, the Finance Committee and the School Committee shall each designate two (2) persons, the Planning Board shall designate one (1) person, and two (2) persons shall be appointed by the Town Moderator. Persons appointed by the said agencies may, but need not, be members of the agency by which they are designated. The committee shall meet to organize forthwith following the final adjournment of the annual town meeting. The committee shall hold a public hearing within thirty (30) days following the date on which it meets to organize and at least one additional public hearing before filing its final report.
- (b) By-Law Review - At least once in every ten (10) years, the Board of Selectmen shall cause to be prepared by a special committee appointed for that purpose, a proposed revision or recodification of all by-laws of the Town which shall be presented to the Town meeting for reenactment at a session of the Annual Town Meeting in the year following the year in which the said committee was appointed. The by-law review committee shall consist of the Town Clerk who shall serve by virtue of office, two (2) voters appointed by the Town Moderator and two (2) persons appointed by the Board of Selectmen. The said committee in its final, or in an interim report, shall include recommendations for such substantive change in town by-laws as it deems necessary or advisable. The review of town by-laws shall be in conjunction with the town counsel, or, by special counsel retained for that purpose. The committee shall hold a public hearing within thirty (30) days following the date on which it meets to organize and at least one (1) additional public hearing before