

**AGENDA
BOARD OF SELECTMEN
MONDAY, MARCH 22, 2021
WAQUOIT MEETING ROOM
MASHPEE TOWN HALL
16 GREAT NECK ROAD NORTH
MASHPEE, MA 02649**

Virtual / Remote Meeting

Broadcast Live on Local Cable Channel 18

Public Call in Number: (508) 539-1400 extension 8585 for Public Comment and Public Hearings

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

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

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MINUTES

Approval of the following: Monday, March 8, 2021 Regular Session

APPOINTMENTS & HEARINGS

- Public Comment: ****Call in Number (508) 539-1400 extension 8585****
- Discussion and Approval of the request of Mashpee Commons Limited Partnership, Arnold Chace, Jr., Mashpee Commons II, LLC, and GNRS-MA LLC that the Town of Mashpee join as a "Participating Party" in a Three-Party Development Agreement with the Cape Cod Commission for the Proposed Expansion of Mashpee Commons
- Discussion and Approval of Proclamation for Women's History Month:
Rebecca Swanson; William Henley
- Discussion of Shellfish Classification Area Changes Due to Mooring Fields:
Natural Resources Director Ashley Fisher

COMMUNICATIONS & CORRESPONDENCE

Route 151 Safety Concerns: *Republican and Democratic Town Committees: Elana Doyle, Catherine Gallagher*

OLD BUSINESS

1. Update, Discussion and Possible Action Relative to COVID-19
2. Update, Discussion and Possible Action Relative to Wastewater Project(s):
GHD Technical Memorandum Dated March 15, 2021

NEW BUSINESS

3. Discussion and Approval of the May 8, 2021 Annual Town Election Warrant
4. Discussion and Approval of Draft #3 May 3, 2021 Special and Annual Town Meeting Warrant Articles
5. Discussion of and Approval of Adding Articles to the May 3, 2021 Special and Annual Town Meeting Warrants
6. Execution of the May 3, 2021 Special and Annual Town Meeting Warrants

LIAISON REPORTS

TOWN MANAGER UPDATES

ADDITIONAL TOPICS

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

EXECUTIVE SESSION

ADJOURNMENT

MASHPEE TOWN CLERK

MAR 18 2021

RECEIVED BY: 

**AGENDA
BOARD OF SELECTMEN
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MINUTES

Approval of the following: Monday, February 22, 2021 Regular Session; Monday, March 1, 2021 Regular Session

APPOINTMENTS & HEARINGS

- Public Comment: ****Call in Number (508) 539-1400 extension 8585****
- 6:35 pm – Public Hearing: 2021 Seasonal Alcoholic Beverages and Entertainment License Renewals
- 6:40 pm – Public Hearing: Liquor License Amendment Application for an Alteration of Premises Bacchus Enterprises, Inc. d/b/a South Cape Wine & Spirits; 19 Commercial Street, Mashpee, MA, *Barbara Rymsha, Manager: (Johnny Rymsha, Store Manager & Myles Ostroff, Property Manager)*
- Discussion and Approval of the following Special Event Applications:
Annual Easter Egg Hunt: Saturday March 27, 2021 (Rain Date: Sunday, March 28, 2021) 11 am – 2:30 pm; *Recreation Director Mary Bradbury*
MassMasters Bass Club Tournament: Wednesday April 7, 2021 7 am – 3 pm; *Ray Lentine*
- Presentation and Discussion of Solar Energy Overlay District Town Meeting Warrant Petition Articles: *William Haney, Robert Mills, Esq.*
- Discussion and Approval of Revised Order of Taking for 226 Cotuit Road: *DPW Director Catherine Laurent*
- Discussion and Approval of Acceptance of Resignation from the Board of Health
Member-at-Large (Term Expires: June 30, 2023): *Veronica Warden*

COMMUNICATIONS & CORRESPONDENCE

OLD BUSINESS

1. Update, Discussion and Possible Action Relative to COVID-19
2. Update, Discussion and Possible Action Relative to Wastewater Project(s)
3. Discussion and Approval of Spring Town Meeting

NEW BUSINESS

1. Discussion and Approval of Temporary Beach Parking and Access Restrictions
2. Discussion and Approval of Draft #2 May 3, 2021 Special and Annual Town Meeting Warrant Articles
3. Discussion of and Approval of Adding Articles to the May 3, 2021 Special and Annual Town Meeting Warrant

LIAISON REPORTS

TOWN MANAGER UPDATES

ADDITIONAL TOPICS

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

EXECUTIVE SESSION

ADJOURNMENT

Board of Selectmen
Minutes
March 8, 2021

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

Meeting Called to Order by Chairman Cotton at 6:35 p.m.
Mashpee Town Hall, Waquoit Meeting Room

MINUTES

Monday, February 22, 2021 Regular Session; Monday, March 1, 2021 Regular Session: CS/TO 5-0.

**Motion made by Selectman Sherman to approve the minutes of;
Monday, February 22, 2021 and Monday, March 1, 2021 Regular Sessions as presented.**

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cotton, yes	Selectman O'Hara, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman Weeden, yes	Opposed, none

APPOINTMENTS & HEARINGS

Public Comment: None at this time.

Public Hearing: 2021 Seasonal Alcoholic Beverages and Entertainment License Renewals:

The Board of Selectmen acting as the local Licensing Authority for the Town of Mashpee opened the Public Hearing on the 2021 Seasonal Alcoholic Beverages and Entertainment License Renewals. The Hearing notice was read aloud into the record by Carol A. Sherman, Clerk of the Board of Selectmen.

Correspondence was received from Stephanie A. Coleman, Administrative Secretary dated March 2, 2021 with respect to this regard. The following licensees have filed complete renewal applications;

Board of Selectmen
Minutes
March 8, 2021

APPOINTMENTS & HEARINGS

Public Hearing: 2021 Seasonal Alcoholic Beverages and Entertainment License Renewals: (continued)

Package Store – All Alcohol:

Commons Convenience
Mashpee Mart
Poppy Market (Formally Popponesset Marketplace)

Restaurant – All Alcohol:

Cooke's Seafood
Bob's Seafood Café
The Raw Bar*

Club – All Alcohol:

The Lure*

*Denotes an establishment that is renewing a license for Weekday Entertainment and/or Entertainment on Sundays. This is a carry-over of limitations from the prior year and also from COVID-19 with no change in entertainment stipulations.

Being no comment, the Board motioned as follows;

Motion made by Selectman Sherman to close the Public Hearing.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cotton, yes	Selectman O'Hara, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman Weeden, yes	Opposed, none

Motion made by Selectman Gottlieb to approve the 2021 Seasonal Alcoholic Beverages and Entertainment License renewals for the (7) establishments as listed above and in the memorandum of March 2, 2021.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cotton, yes	Selectman O'Hara, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman Weeden, yes	Opposed, none

Board of Selectmen
Minutes
March 8, 2021

APPOINTMENTS & HEARINGS

Public Hearing: Liquor License Amendment Application for an Alteration of Premises Bacchus Enterprises, Inc. d/b/a South Cape Wine & Spirits; 19 Commercial Street, Mashpee, MA, Barbara Rymsha, Manager: (Johnny Rymsha, Store Manager & Myles Ostroff, Property Manager):

The Board of Selectmen opened the Public Hearing on the Liquor License Amendment Application of Bacchus Enterprises, Inc. d/b/a South Cape Wine & spirits; 19 Commercial Street, Mashpee, Barbara Rymsha, Manager for an Alteration of Premises.

In accordance with posting requirements the Hearing notice was read aloud into the record. The applicant has requested to expand the floor plan for the licensed premises into an adjacent unit. The proposed floor plan will be a total of 4,992 square feet of retail storage, office space and restroom facilities. The premise will remain on one floor with two entrances, two egresses and one door for delivery.

The applicant, Barbara Rymsha has a retail store space of 3,788 square feet at 19 Commercial street, unit C1 in South Cape Plaza. The expansion would integrate the 1,214 square feet unit adjacent to the store to create the total 4,992 square foot space.

Being no comment, the Board motioned as follows;

Motion made by Selectman Gottlieb to close the Public Hearing.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cotton, yes	Selectman O'Hara, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman Weeden, yes	Opposed, none

Motion made by Selectman O'Hara to approve the Liquor License Amendment Application of Bacchus Enterprises; Inc. d/b/a South Cape Wine & Spirits for an Alteration of Premises as referenced.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cotton, yes	Selectman O'Hara, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman Weeden, yes	Opposed, none

Board of Selectmen
Minutes
March 8, 2021

APPOINTMENTS & HEARINGS

Discussion and Approval of the following Special Event Applications:

Annual Easter Egg Hunt: Saturday March 27, 2021 (Rain Date: Sunday, March 28, 2021) 11 am – 2:30 pm;
Recreation Director Mary Bradbury:

Mary Bradbury, Recreation Director discussed the Recreation Department Special Event Application for the Annual Easter Egg Hunt planned to be held on Saturday, March 27, 2021 from 11:00 a.m. to 2:00 p.m. at Heritage Park with a rain date of Sunday, March 28, 2021.

This year the children aged 2 to 10 years would be separated into three age groups at different locations within the park. The groups will consist of a maximum of fifty pre-registered child/parents. Each group would have a different start time for the hunt to be assigned upon registration.

All applicable regulatory officials have signed off on the Special Event Application with stipulations attached from the Board of Health and Department of Public Works.

Motion made by Selectman Gottlieb to approve the Special Event Application of the Recreation Department for the Annual Easter Egg Hunt as referenced.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cotton, yes

Selectman O'Hara, yes

Selectman Sherman, yes

Selectman Gottlieb, yes

Selectman Weeden, yes

Opposed, none

MassMasters Bass Club Tournament: Wednesday April 7, 2021 7 am – 3 pm; Ray Lentine:

The Board of Selectmen reviewed the Special Event Application from the MassMasters Bass Club for the annual tournament proposed to be held on Wednesday, April 7, 2021 from 7:00 a.m. to 3:00 p.m. at Santuit Pond. A maximum of (10) regulation bass boats with no more than twenty persons are anticipated to participate in the tournament. Protocols regarding COVID-19 Guidelines would be adhered to.

All necessary approvals have been obtained with stipulations imposed by the Director of Public Works.

Motion made by Selectman O'Hara to approve the Special Event Application of the MassMasters Bass Club for the club tournament to be held at Santuit Pond as referenced.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cotton, yes

Selectman O'Hara, yes

Selectman Sherman, yes

Selectman Gottlieb, yes

Selectman Weeden, yes

Opposed, none

Board of Selectmen
Minutes
March 8, 2021

APPOINTMENTS & HEARINGS

Presentation and Discussion of Solar Energy Overlay District Town Meeting Warrant Petition Articles: William Haney, Robert Mills, Esq.:

Robert F. Mills, Esquire was present to respectfully review and discuss the petition articles submitted for inclusion on the May 2021 Annual Town Meeting warrant relative to the establishment of a proposed Solar Energy System Overlay District.

Site maps consisting of existing conditions from 2014 to 2021 were submitted in addition to copies of the petitions and amendments thereof.

Attorney Mills described the site as approximately 40 acres located off of Route 151 to the rear of the existing funeral home southward as shown on the series of maps associated to the project proposal. It was disclosed notification was submitted to 32 abutters residing in proximity to the largest lot comprised of 24 acres. This is a privately owned site, and it is anticipated with Town Meeting approval, the Planning Board would fully vet at least 95% of the language amendments proposed to convert the properties into the Solar Overlay District.

The petitioner William Haney has proposed six different plans over they years for various mixed-use commercial, residential and 40B proposals, but has preference to develop the site for solar energy purposes.

The southern parcels are described as R-5, with C-2 zoning districts in the northern sections. Approximately ten acres of the site was a former gravel pit. Most of the vegetation in the area of review is comprised of scrub and pitch pine. If the bylaw was to pass at Town Meeting 25 of the 40 acres would be usable for solar energy purposes. The sand pit would be used and it is projected that 12 acres more or less would be clear-cut for this project. This would create a significant buffer on all four sides of the property.

The Director of the Development for the solar energy project indicated solar energy systems are not unique to surrounding communities. Many are developed on former landfills and sand pits, ideal and most common locations. The Town of Bourne was noted to have (3) solar energy systems encompassing 20-40 acres. Benefits to a local community include payment of lieu of taxes or under a pilot for reductions in kilowatt hours. There are formulas to calculate the tax benefit that can bring millions of dollars to a community over the course of a project generally during a 20-year term. A municipality is able to opt into the project at no cost.

Board of Selectmen
Minutes
March 8, 2021

APPOINTMENTS & HEARINGS

Presentation and Discussion of Solar Energy Overlay District Town Meeting Warrant Petition Articles: William Haney, Robert Mills, Esq.: (continued)

Discussion followed with respect to the submission of the petition articles.

It was explained the petition was presented as (5) different and separate articles, all dependent upon each other for the success of this project.

The original petition comprised of (5) articles was presented with (1) signatory page.

Each of the (5) petition articles require an individual signatory page.

It was disclosed that on this date; March 8, 2021 (4) signatory pages were delivered to the Mashpee Town Hall to correct the oversight. The (4) signatory pages with the original signatory page previously submitted before the deadline of February 8, 2021 corresponded to requirement for the (5) petitions to include signatory pages for each petition. The signatures have been validated by the Town Clerk.

An opinion was received from Town Counsel Patrick J. Costello regarding the petition process. It is the opinion of Town Counsel the original petition as submitted was not properly formatted, thus the Board of Selectmen is not obligated to submit the petition articles on the warrant. Town Counsel did opine that under the circumstances, most Select Board would proceed to place the articles on the warrant upon the Town Clerk's review and validation of the signatures required for each of the (5) articles before final approval of the warrant.

Discussion followed with respect to transparency and setting precedence.

Under normal and regular circumstances signatures are required for each and every petition article submission. This petition consisting of (5) petition articles contained (1) signatory page.

This is the first set of circumstances this Select Board has experienced of this nature. Town Counsel has advised this is something that has not been done before by the Select Board. In Town Counsel's opinion, the petition as originally submitted was not properly formatted. Therefore, the Board of Selectmen is not obligated to place the petition articles on the May 2021 warrant.

The deadline for the submission of articles including petition articles to be placed on the May 2021 warrant is February 8, 2021. Today's date is March 8, 2021. It is unclear when the signatory pages were collected. It is apparent the signature pages were not submitted as part of the original petition submission.

For transparency, it is self-evident that individual and multiple articles require signature pages. The integrity of the date of February 8, 2021 was clearly defined as the submission deadline.

If the Board of Selectmen was to sponsor the article, the Board would be required to defend the article.

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March 8, 2021

APPOINTMENTS & HEARINGS

Discussion and Approval of Revised Order of Taking for 226 Cotuit Road: DPW Director Catherine Laurent:

Acting on the recommendation of Town Counsel, Catherine Laurent, Director of Public Works requested the Board re-vote on the Order of Taking for a portion of the property at 226 Cotuit Road. It was noted the finalization of the taking was delayed to avoid complications by a bankruptcy proceeding involving the property owner.

Motion made by Selectman Sherman to re-vote to re-approve the Revised Order of Taking for 226 Cotuit Road as recommended.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Cotton, yes	Selectman O'Hara, absent for vote	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman Weeden, yes	Opposed, none

Discussion and Approval of Acceptance of Resignation from the Board of Health Member-at-Large (Term Expires: June 30, 2023): Veronica Warden:

Correspondence was received from Veronica Warden dated February 24, 2021 resigning from the Board of Health effective March 31, 2021.

Motion made by Selectman Gottlieb to accept with regret the resignation of Veronica Warden from the Board of Health sending a letter of appreciation to Ms. Warden for her service to the Town of Mashpee, and further duly post the vacancy.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cotton, yes	Selectman O'Hara, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman Weeden, yes	Opposed, none

At the last meeting the Board of Selectmen agreed to obtain feedback from those resigning from a respective board, commission or committee to improve upon processes.

COMMUNICATIONS & CORRESPONDENCE

PFAS in Water Samples:

In response to any inquiry from the public regarding a recent article on PFAS substances, fluorinated compounds in Mashpee waters that were previously undetected, it was affirmed the Town is providing water to meet all state and federal requirements. PFAS compounds have been identified in firefighting foam applications from the base and are used in many products such as non-stick cookware, cleaning products and stain and water repellent upholstery fabrics. The Mashpee Water District (MWD) is available for comment, and information can be found on the MWD website regarding drinking water standards.

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March 8, 2021

OLD BUSINESS

Update, Discussion and Possible Action Relative to COVID-19:

Two new cases have been confirmed today. The Superintendent of Schools has invited custodians in the first and second shift to participate in the vaccine program held at the Wampanoag Tribal Headquarters.

Update, Discussion and Possible Action Relative to Wastewater Project(s):

It is the recommendation of the Town Manager's Financial Team and of Bond Counsel to move forward with the Wastewater Plan for Phase I authorizing a Debt Exclusion Ballot Question to safeguard the project. Proposed language will be presented to the Board of Selectmen at their next meeting.

Discussion and Approval of Spring Town Meeting:

After reviewing options for the Spring Town Meeting, the Board of Selectmen agreed to conduct a hybrid Town Meeting in May indoors with the use of a small tent for those who wish to participate outdoors.

Motion made by Selectman Sherman to move forward with a hybrid Town Meeting on Monday, May 3, 2021 at 7:00 p.m. in the most cost-effective manner.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cotton, yes

Selectman O'Hara, yes

Selectman Sherman, yes

Selectman Gottlieb, yes

Selectman Weeden, yes

Opposed, none

NEW BUSINESS

Discussion and Approval of Temporary Beach Parking and Access Restrictions:

A brief discussion followed regarding seasonal beach parking and access restrictions.

Motion made by Selectman Gottlieb to continue the Temporary Beach Parking and Access Restrictions consistent with those adopted in 2020.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cotton, yes

Selectman O'Hara, yes

Selectman Sherman, yes

Selectman Gottlieb, yes

Selectman Weeden, yes

Opposed, none

Board of Selectmen
Minutes
March 8, 2021

Discussion and Approval of Draft #2 May 3, 2021 Special and Annual Town Meeting Warrant Articles:

Article: Chapter 90 Program

Motion made by Selectman Gottlieb to include and recommend the Chapter 90 Program.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cotton, yes

Selectman O'Hara, yes

Selectman Sherman, yes

Selectman Gottlieb, yes

Selectman Weeden, yes

Opposed, none

Article: Gas Monitoring & Groundwater Monitoring Well Replacements

Town Manager Rodney C. Collins recommended the removal of the Gas Monitoring and Groundwater Monitoring Well Replacement article contingent upon the Finance Committee's approval of a Reserve Fund Transfer not to exceed \$5,000. The Board of Selectmen thus deferred action on this article.

Petition Articles (5):

Discussion followed with respect to the (5) petition articles submitted for a proposed Solar Energy Overlay District. It was agreed approval of the articles would set precedent. The petition articles would be more appropriate on the October 2021 Town Meeting warrant. The applicant would have additional time to be more forthcoming on the benefits of the project to the Town of Mashpee.

In considering this article it was motioned by Selectman O'Hara the Board of Selectmen consider taking on the petition article as Selectmen sponsored. There was no second to further act on this proposal.

Motion made by Selectmen Gottlieb to reject and withdraw all (5) Petition Articles associated to the Solar Energy Overlay District as improperly filed.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cotton, yes

Selectman O'Hara, yes

Selectman Sherman, yes

Selectman Gottlieb, yes

Selectman Weeden, yes

Opposed, none

Board of Selectmen
Minutes
March 8, 2021

Discussion of and Approval of Adding Articles to the May 3, 2021 Special and Annual Town Meeting Warrant:

Proposed articles: Placement of Pump Station on Mashpee Neck Road; Alternative Site: Not required.

Flow Neutral Bylaw:

Motion made by Selectman Sherman to include and recommend the Flow Neutral Bylaw on the warrant.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cotton, yes

Selectman O'Hara, yes

Selectman Sherman, yes

Selectman Gottlieb, yes

Selectman Weeden, yes

Opposed, none

It was noted the Flow Neutral Bylaw is a requirement of the Clean Water State Revolving Fund to obtain a 0% interest loan. If the proposed Bylaw does not pass, a 2% interest would be assessed on the overall cost of Phase I. An average homeowner would be required to pay an additional \$50 yearly if the assessment was 2%.

A brief discussion followed regarding the mandates of the Bylaw. It was noted that any structure, legally in existence as of July 1, 2015, regardless of its flow, may by right maintain that flow or number of bedrooms. A single existing family residence on parcels over 40,000 square feet may increase the number of bedrooms to (1) bedroom per 10,000 square feet of lot area by right.

LIAISON REPORTS

Town Seal Committee:

The Town Seal Committee is accepting letters of interest for graphic design and a survey will be posted on the Town's website on March 15th for 30 days. Interested applicants may contact the Town Manager's Office. Bids can be obtained at the Town of Mashpee website: www.mashpeeema.gov.

TOWN MANAGER UPDATES

The Transfer Station will be closed on Wednesday April 7, 2021. This is a one day closure to replace underground piping. The project is CIP funded.

As per the Mashpee Fire Department it was reported the establishment located at 100 Great Neck Road is in violation due to faulty sprinkler systems. A stop work order has been posted and the property is on 24-hour watch to protect the tenants until the building is properly remedied. Other code violations are likely to occur. The Board of Health is also apprised of this matter.

Board of Selectmen
Minutes
March 8, 2021

ADJOURNMENT

Motion made by Selectman Sherman to adjourn at 8:31 p.m.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 5-0.

Roll Call Vote:

**Selectman Cotton, yes
Selectman Gottlieb, yes**

**Selectman O'Hara, yes
Selectman Weeden, yes**

**Selectman Sherman, yes
Opposed, none**

Respectfully submitted,

Kathleen M. Soares
Secretary to the Board of Selectmen



Eliza Cox

Direct Line: 508-790-5431

Fax: 617-310-9191

E-mail: ecox@nutter.com

March 16, 2021

120390-1

By Electronic Mail

Chair John J. Cotton
Town of Mashpee Board of Selectmen
16 Great Neck Road North
Mashpee, MA 02649
Attn: Terrie Cook
tcCook@mashpeema.gov

Re: Mashpee Commons – Proposed Development Agreement

Dear Chair Cotton and Members of the Board of Selectmen:

We write on behalf of our clients, Mashpee Commons Limited Partnership, Arnold Chace, Jr., Mashpee Commons II, LLC, and GNRS-MA LLC, (collectively, the “Applicants”), who own approximately 187 contiguous acres in the Town of Mashpee (the “Property”), which includes the mixed-use development known as Mashpee Commons. As previously discussed, the Applicants are seeking to enter into a development agreement with both the Cape Cod Commission and the Town of Mashpee for the expansion of Mashpee Commons.¹ On March 5, 2021, the Applicants filed an application with the Cape Cod Commission, requesting a three-party, 25-year development agreement.

With this correspondence, we are formally asking the Board of Selectmen to vote to accept the Applicants’ request for the Town to participate as a “Participating Party” (as defined in Chapter D of the Cape Cod Commission’s regulations) together with the Cape Cod Commission in the proposed three-party development agreement process. We ask that our request be placed on the Board’s March 22, 2021 meeting agenda.

We look forward to working with the Town of Mashpee and the Cape Cod Commission on this important matter.

¹ By letter dated February 11, 2020 to the Cape Cod Commission, the Board of Selectmen confirmed its support of the development agreement process for this project. Similarly, the Planning Board sent correspondence to the Cape Cod Commission dated August 15, 2019, supporting use of a development agreement.

Nutter

Please do not hesitate to contact us with any questions.

Very truly yours,


Eliza Cox

cc: Mashpee Commons Limited Partnership
Cape Cod Commission
Rodney Collins, Town Manager (by email)
Evan Lehrer, Town Planner (by email)

5100301.1

March 23, 2021

Cape Cod Commission
3225 Main Street
Barnstable, MA 02630

 DRAFT

RE: Mashpee Commons Development Agreement

Dear Commissioners:

This letter will confirm that at its March 22, 2021 meeting, the Mashpee Board of Selectmen voted to accept Mashpee Commons Limited Partnership's request for the Town of Mashpee to participate as a "Participating Party" (as defined in Chapter D of the Cape Cod Commission's regulations) together with the Cape Cod Commission in a three-party development agreement process for the proposed expansion of Mashpee Commons.

The Board looks forward to working with Mashpee Commons and the Cape Cod Commission on this matter.

On Behalf of the Mashpee Board of Selectmen

John J. Cotton, Chair



Town of Mashpee

16 Great Neck Road North
Mashpee, Massachusetts 02649
Telephone (508) 539-1400

PROCLAMATION Women's History Month March 2021

- WHEREAS,** 2021 marks the 40th Anniversary of United States Congressional Public Laws 97-28 and 100-9, leading to the establishment of March as Women's History Month, recognizing the vital role of women in American History; and
- WHEREAS,** women helped found our nation in countless recorded and unrecorded ways and continue to advocate, with courage and passion, for our highest ideals, strengthening the fabric of our Nation and leading us toward a more perfect union; and
- WHEREAS,** we honor indigenous, enslaved, and immigrant women of all races, backgrounds, identities, colors, and creeds for their courageous work to end oppression and birth opportunities for parity; and
- WHEREAS,** we recognize the historic, and the every-day, contributions and achievements of women throughout the workplace, across local, state, and federal public service roles, serving in our military branches, within non-profit and faith organizations, as the engines of change in social movements, at the hearth of our homes, and at the heart of our communities across the Cape and Islands; and
- WHEREAS,** we acknowledge this enduring legacy of our Nation's women as we celebrate the diversity of their backgrounds, identities, talents, accomplishments, and gifts, which expand our democracy and power our prosperity; and
- THEREFORE,** be it resolved by the Mashpee Board of Selectmen that March 2021 is hereby proclaimed as Women's History Month and all are called upon to observe this month with appropriate programs, ceremonies, and activities. Additionally, all are invited to learn more about the generations of women who have helped shape our Nation's history, yielding a brighter future for all www.WomensHistoryMonth.gov

IN WITNESS THEREOF, We have hereunto set our hands and caused the

Official Seal of the Town of Mashpee to be affixed this 22nd Day of March, 2021

John J. Cotton, Chair

On behalf of the Mashpee Board of Selectmen



TOWN OF MASHPEE
DEPARTMENT OF NATURAL RESOURCES

Mashpee Town Hall
16 Great Neck Road North
Mashpee, Massachusetts 02649
Telephone – (508) 539-1409

MEMORANDUM

March 15, 2021

TO: Rodney C. Collins, Town Manager
Board of Selectmen

FROM: Ashley Fisher, Director of Natural Resources

RE: Shellfish Classification Area Changes Based on the Presence of Mooring Fields

Description

“Approved to Harvest” areas containing mooring fields of 21 or more are currently being evaluated by the Division of Marine Fisheries (DMF) in cooperation with the US Food and Drug Administration (FDA).

DMF is required to meet National Shellfish Sanitation Program (NSSP) Model Ordinance requirements when classifying shellfish growing areas around potential spillage areas, in this case moorings.

The NSSP is a federal and state cooperative program recognized by the FDA and the Interstate Shellfish Sanitation Conference (ISSC) for the sanitary control of shellfish produced and sold for human consumption. Mooring areas in excess of 21 moorings have been classified as potential risk area to the surrounding shellfish populations and the Division of Marine Fisheries has been tasked with the reclassification of these areas. DMF is working with towns to minimize the impacts to the shellfishery by using past water quality data, recommending bylaw changes and future mooring placements, and proving by using flow /dilution methods that potential spills will have minimum effects on the shellfish beds.

Definitions:

“Approved to Harvest” – Open to shellfish harvesting for direct human consumption subject to local rules and regulations. Closed only during major coast-wide events (e.g., hurricane, oil spill, red tide event).

“Conditionally Approved” – Closed some of the time due to rainfall or seasonally poor water quality or other predictable events. When open, it is treated as an Approved area.

DMF’s and the FDA’s classification of a mooring area (susceptible to change) – 21 vessels in a close proximity.

Background

The Division of Marine Fisheries has been battling with the FDA on this particular “Mooring” matter since the 70’s. There has been disagreements between the coastal states (NY, MA, RI, ME, NH, NJ etc.) and the FDA in regards to their compliance to the NSSP and model ordinance for over a decade. Each state has been found to have discrepancies under the model ordinance, and the FDA is not offering much assistance to improve precautionary measures. The states are doing the best they can to appease the feds under the NSSP currently by implementing shellfish classification area changes.

This means that “Approved Harvest” areas in excess of 21 mooring will be reclassified to “Conditionally Approved” areas. Under the “Conditionally Approved” status the area may remain open during all or part of the year depending on the flow patterns, vessel types, and occupancy within the area.

Potential changes to Existing Shellfish / Mooring Areas:

Please see attached maps for area specifications.

Mashpee River and Shoestring Bay – No change, already in the “Conditionally Approved” status during the period boats are attached to their moorings. SC20.1 – 20.4 are in the “Closed Status” April 1- October 31st.

Southern most portion of Ockway Bay – “Approved to Harvest” to a “Conditionally Approved” mooring area in the “Closed Status” dates have yet to be determined.

Daniel’s Island to Popponeset Island Peninsula – “Approved to Harvest” to a “Conditionally Approved” mooring area in the “Open Status” based on substantial shellfish population and recommended bylaw adoption (see recommendations below).

Popponeset Creek – Any changes have yet to be determined.

Seconsett Island - “Approved to Harvest” to a “Conditionally Approved” mooring area in the “Open Status” based on substantial shellfish population, presence of a “Family Area”, minimal presence of large MSD (Marine Sanitation Device) containing vessels, and recommended bylaw adoption (see recommendations below).

Hamblin Pond – No changes. Area was deemed to not have more than 21 moorings in close proximity.

Jehu Pond - No changes. Area was deemed to not have more than 21 moorings in close proximity.

Little River – No additional changes. Marina area is already in the “Conditionally Approved Closed Status” during the boating season.

Upper Great River - “Approved to Harvest” to a “Conditionally Approved” mooring area in the “Closed Status” dates have yet to be determined.

Lower Great River - “Approved to Harvest” to a “Conditionally Approved” mooring area in the “Open Status” based on substantial shellfish population, presence of a “Family Area”, minimal presence of large MSD (Marine Sanitation Device) containing vessels, the presence of an aquaculture lease, and recommended bylaw adoption (see recommendations below).

Recommendation

The Department of Natural Resources along with the Division of Marine Fisheries recommends that the town adopt a bylaw restricting overnight occupancy on town issued moorings. This would ensure that vital shellfish suitability areas remain in the “Open Status” for the entire year. These areas are where most of the shellfish permits holders tend to fish in the summer months, and where the DNR has been stocking seed in compliance to the Comprehensive Watershed Nitrogen Management Plan.

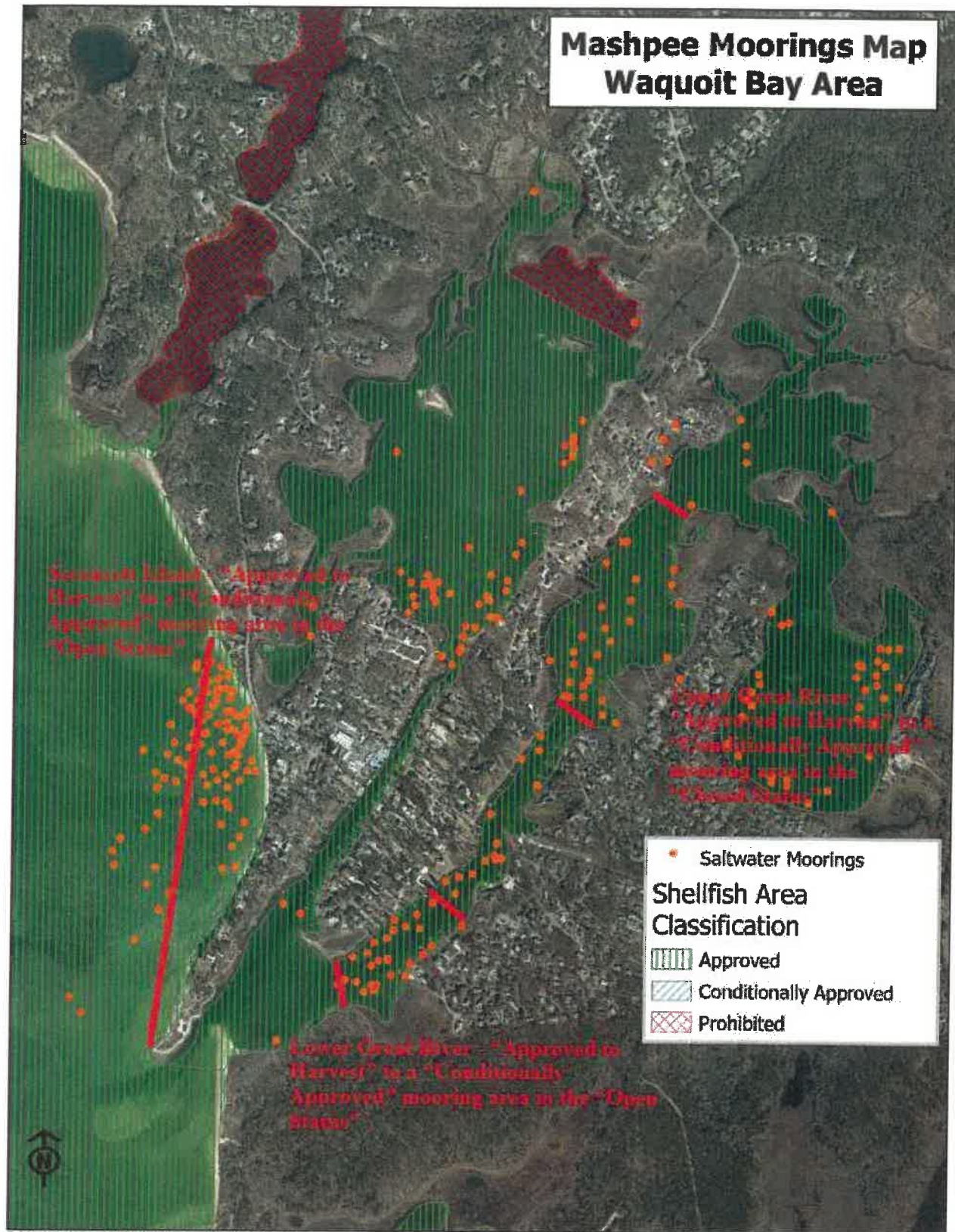
The current Great River Family Area and the Seconsett Island Family are the most popular spots in town. If the town were to deny the changes of said bylaw, then the FDA and the DMF may shut down the area and change it to a “Closed Status” during the summer months. Please also note that the FDA has the authority to close any of our areas at any time based on mooring presence, therefore strategic planning of future mooring placements must align with new measures.

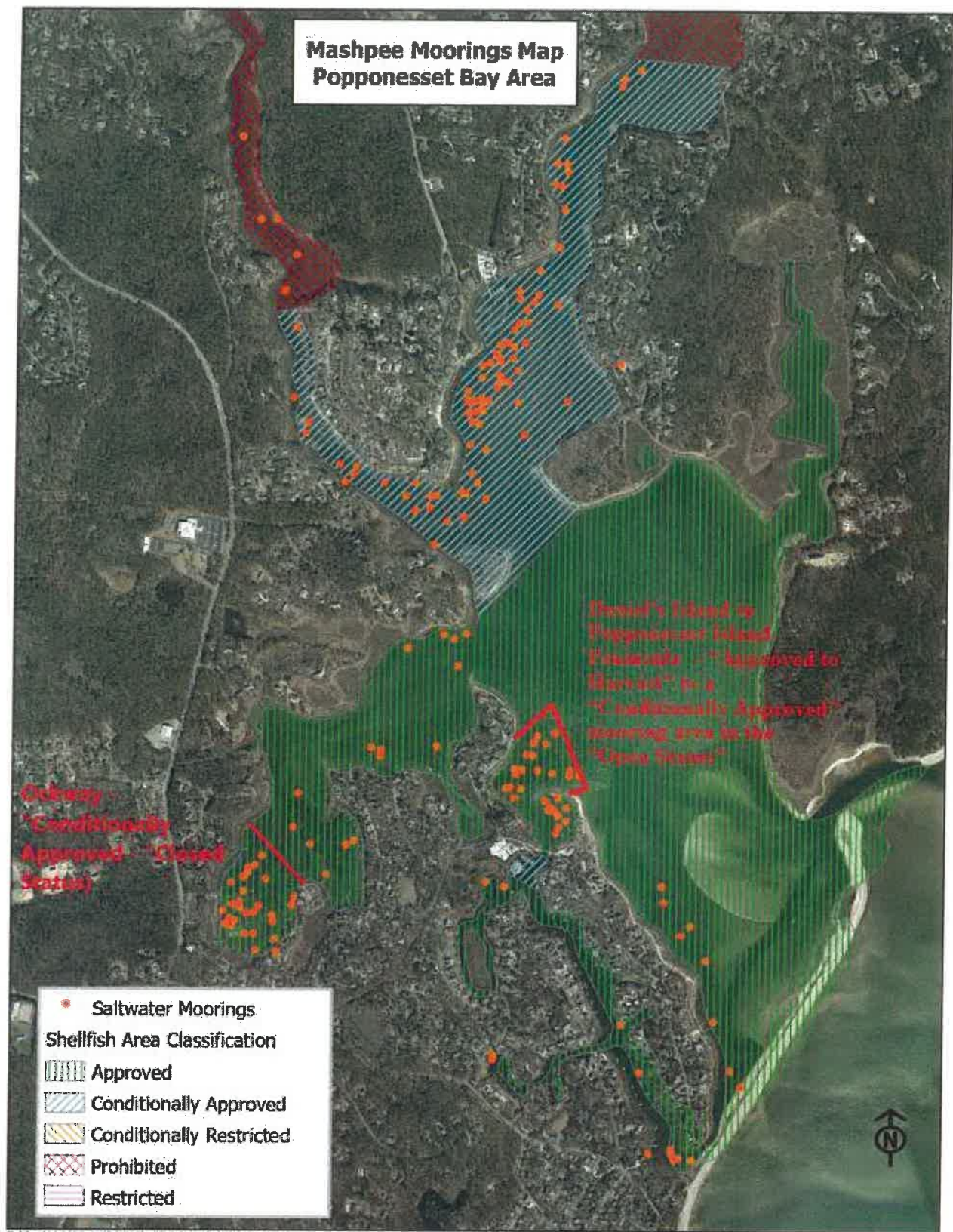
Pros and Con

Pros – Most of the town’s “Family Areas” will remain in the “Open Status” if the town adopts a bylaw restricting overnight occupancy on moorings. These changes will not affect shellfish permit holders for FY21- FY22 as the most frequented shellfishing areas will remain open. All shellfish Aquaculture Permit Holders in both Popponesset Bay and Waquoit Bay will not be affected by these changes. The areas that are closing do not have a sustainable stock of harvestable shellfish.

Cons – Some areas will be closed during the summer months based on mooring numbers (Ockway Bay and Upper Great River). It’s possible by passing a bylaw to restrict overnight occupancy on moorings, some may not be in favor.

Mashpee Moorings Map Waquoit Bay Area







In Unity:
The Mashpee Republican Town Committee
The Mashpee Democratic Town Committee
Mashpee, Massachusetts

Mashpee Board of Selectmen
16 Great Neck Road North
Mashpee, MA 02649

Dear Mashpee Board of Selectmen,

In collaboration and joint concern for areas of MA-151, the Mashpee Republican and Democratic Town Committees write to you today to advocate for the need of safety enhancements and a reduced speed limit in parts of Mashpee and Falmouth.

MA-151 is a highly traveled road which serves as the main gateway to entering and exiting the Cape from Mashpee, parts of Falmouth and points east. Minimal safety measures have resulted in numerous accidents along this road and multiple fatalities.

According to the Mass DOT 'Crash Cluster' location map between 2015-2017 there were 140 accidents along MA-151. Seven areas of MA-151 contributed to the majority of accident locations. Five of these accidents were classified as fatal or serious injury. MA-151 is also home to one of the top 200 crash cluster locations in the state of Massachusetts. Although there are countless accidents to cite, just last month a Mashpee preschooler lost his life on MA-151 in Falmouth.

Most of the accidents along MA-151 occur at one of the various intersections along the road- many resulting from the difficulty in taking left-hand turns. On the Mashpee side this issue is prevalent. A combination of high-volume traffic, higher speed limits and a lack of directional lighting and signage has created a confluence of dangers.

The areas of concern and contributing factors of many accidents are well known in Falmouth. Several long-term projects will be undertaken to improve the most dangerous intersections along their portion of MA-151. Like Mashpee, these intersections of distress have similar hazards and safety deficiencies.

It is understood that most parts of MA-151 are under town jurisdiction. It is also understood that both Mashpee and Falmouth have committed to re-evaluating and improving areas of the road in the coming years. We ask that you put MA-151 on your radar. We ask that you help us advocate for the approvals needed from Mass DOT to implement new designs and added safety measures, reconsider speed limits in cluster accident areas and assist in securing available funds needed to achieve adequate safety improvements. Given that these changes will happen through multiple jurisdictions and departments, it is necessary we all work together in unity to ensure appropriate safety standards are met.

Sincerely,

Elana Doyle

Elana Doyle
Chair, Mashpee Republican Town Committee

Catherine Gallagher

Catherine Gallagher
Chair, Mashpee Democratic Town Committee



2021 MAR 15 PM 3:19

Technical Memorandum

March 15, 2021

To:	Town of Mashpee Sewer Commission / Selectmen	Ref. No.:	11188223
From:	Anastasia Rudenko PE, BCEE, ENV SP <i>AR</i> J. Jefferson Gregg PE, BCEE	Tel:	774-470-1637 774-470-1640
cc:	Design Team		
Subject:	Summary of Engineers Opinion of Probable Capital Cost Mashpee Water Resource Recovery Facility & Collection System – Stage 1 /Area D		

1. Purpose of Memo

The purpose of the memorandum is to summarize the 75% Design Engineer's Opinion of Probable Capital Costs for the Phase 1 infrastructure related to the proposed Mashpee Water Resource Recovery Facility (WRRF) at Site 4, and the associated collection system for Area D and pumping stations.

2. 75% Design - Engineer's Opinion of Probable Capital Costs

The Engineer's Opinion of Probable Capital Costs are presented in this memorandum in 2023 dollars (anticipated mid-point of construction). The project has been broken into two service areas (Area A and Area D). The costs in Table 1 are reflective of Area D only, see attached figure. It is anticipated that Area A may be constructed as part of a future project.

Table 1 Engineer's Opinion of Probable Capital Costs (2023\$) ^{2,7}

Engineer's Opinion of Probable Capital Costs (Millions of 2023 US Dollars)		
WRRF ⁴	WRRF Construction Cost – Base Bid	17.6
	WRRF Construction Cost – Add Alternate 1 (Stage 2 Tankage) ¹	0.4
	Legal, Fiscal & Construction Phase Services	2.6
	Owner's Project Manager Allowance	0.2
	Utilities Allowance	0.1
	WRRF Subtotal	20.9
Collection System – Area D ^{3,5}	Collection System Construction Cost – Area D ⁶	24.6
	Construction Phase Services	3.7
	Fiscal, Legal, Utilities	0.1
	Police Details	1.7



Grinder Pump Procurement Allowance	0.1
Collection System Subtotal	30.2
Project Capital Costs (2020\$)	51.1
Project Capital Costs – Anticipated Midpoint of Construction (2023\$)	54.0

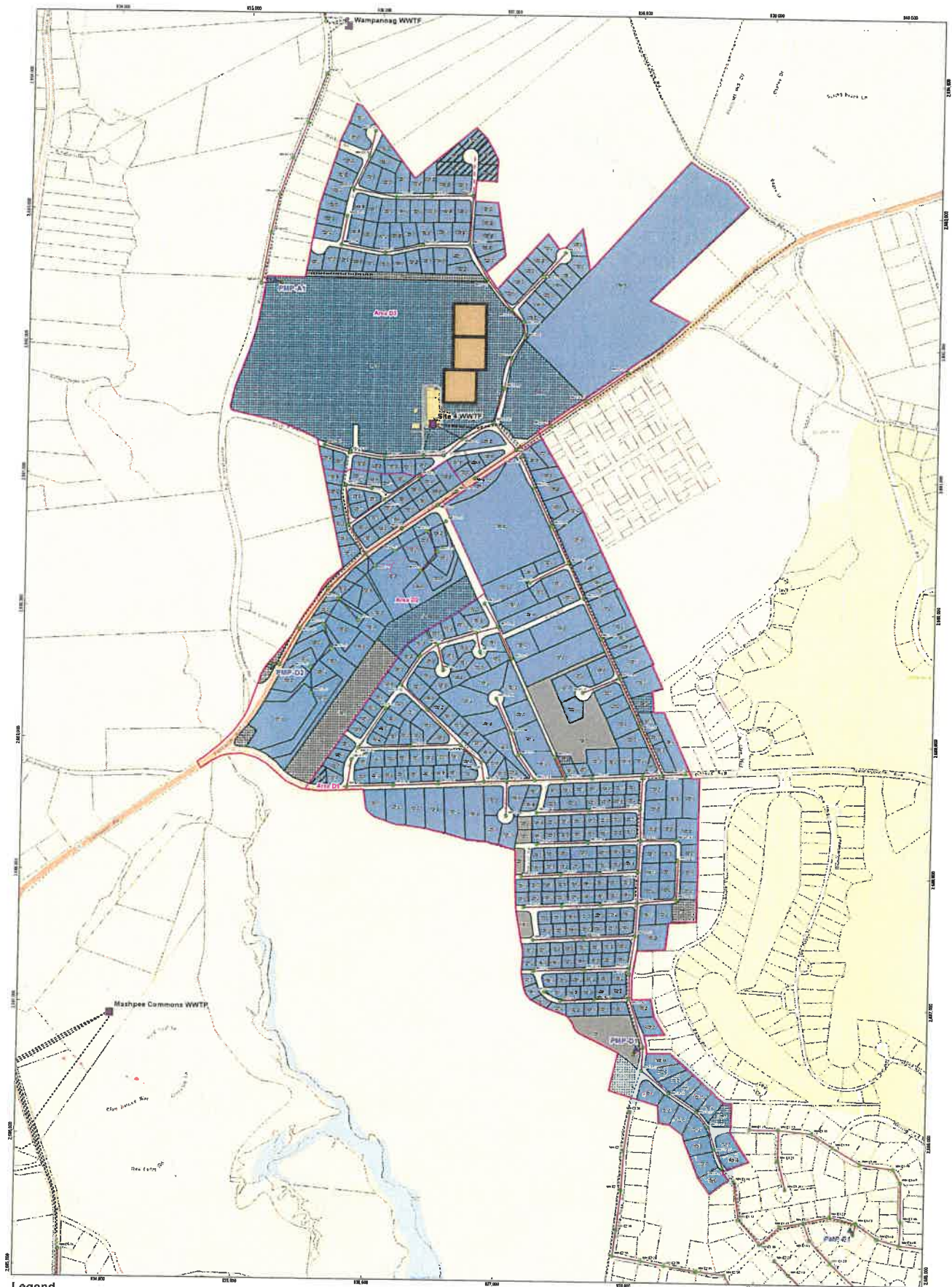
Notes:

1. Add Alternate 1 (Stage 2 Tankage) represents cost to install Stage 2 concrete tankage only (does not include Stage 2 equipment or associated appurtenances).
2. All costs are escalated to reflect inflation through the anticipated mid-point of construction (2023).
3. Collection system cost estimate includes an allocation for police details and grinder pump procurement.
4. WRRF cost estimate includes an allocation for an Owners Project Manager.
5. Collection system costs do not include the cost of final restoration of private property or the cost of obtaining easements.
6. Full width overlay or full width road reconstruction was not factored into the costs.
- 7: All capital costs are rounded to three significant figures.

Engineer's opinion of probable capital costs for infrastructure recommended as part of a multi-year planning project are typically initially developed as part of the planning process. As the project progresses, it is critical that these initial estimates are updated and refined at each stage of the planning and design process to accurately reflect items that may affect the cost estimates. These may include, but are not limited to:

- Changes in bidding climate and tariffs.
- Design changes resulting from future law, regulation, or code changes.
- Design changes resulting from industry or manufacturer advances, updates, or changes.
- Design changes based on Owner requests or other decision-making processes.
- Unknown conditions discovered through field investigations during design (borings, surveys, etc.).
- Design decisions regarding proprietary equipment/sole sourcing of equipment.
- Recommendations from Value Engineering.

It is recommended that the engineer's opinion of probable capital costs presented in this memorandum continue to be refined and updated at each major stage of the design process and prior to construction financing.



"Preserving public trust, providing professional services"

Deborah Dami, MMC, CMMC
Town Clerk
508-539-1418
ddami@mashpeema.gov



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

To: Board of Selectmen

From: Deborah F. Dami
Town Clerk

A handwritten signature in black ink, appearing to be "DD", written over the printed name of Deborah F. Dami.

Date: March 16, 2021

Re: Annual Town Election

Attached for your approval is the May 8, 2021 Annual Town Election Warrant.

:dd

Attachment

**TOWN OF MASHPEE
Annual Election Warrant
May 8, 2021**

SS BARNSTABLE:

To the Constable of the Town of Mashpee

Greetings:

In the name of the Commonwealth you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in the Election to be held on Saturday, May 8, 2021 at the Quashnet School, 150 Old Barnstable Road, from 7:00 A.M. to 8:00 P.M.

HOUSING AUTHORITY for 2 Years Vote for One

LIBRARY TRUSTEE for 3 Years Vote for Two

PLANNING BOARD for 3 Years Vote for Two

PLANNING BOARD (Associate Member) for 3 Years Vote for One

SCHOOL COMMITTEE for 3 Years Vote for Two

SELECTMEN for 3 Years Vote for Two

WATER COMMISSIONER for 3 Years Vote for One

Question 1

Shall the Town of Mashpee be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond(s) issued in order to implement and construct Phase 1 of the Town's comprehensive nitrogen and wastewater management, treatment and disposal improvement plans, including construction of the proposed wastewater Treatment Plant adjacent to the Town's solid waste Transfer Station, sewer mains, pump stations, and related sewer collection system improvements, including all expenses incidental and related thereto?

Yes ____ No ____



TOWN OF MASHPEE

OFFICE OF SELECTMEN

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

MEMORANDUM

TO: Rodney C. Collins – Town Manager
Chair John Cotton and Honorable Members of the Board of Selectmen

FROM: Terrie Cook – Administrative Assistant to the Town Manager

DATE: March 18, 2021

SUBJ: May 2021 Special and Annual Town Meeting Warrant Action Required

The following action needs to be taken on the May 3, 2021 Special and Annual Town Meeting Warrants by the Board of Selectmen at the March 22, 2021 meeting:

1. Page 1 Article 1 Special Town Meeting Snow and Ice – Recommend/Not Recommend vote needed.
2. Page 13 Article 6 Annual Town Meeting Phase 1 Wastewater Project funding/borrowing article: \$54,000,000 has been inserted as the cost of Phase 1 as per the GHD memo dated March 15, 2021.
3. Execution of the May 3, 2021 Special and Annual Town Meeting Warrants

All articles have had final approval from Town Counsel.

Thank you.

**Town of Mashpee
Mashpee High School
500 Old Barnstable Road
Mashpee, MA 02649
Special Town Meeting
Monday, May 3, 2021**

Barnstable, ss:

Greetings to the Constables of the Town,

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and summon the inhabitants of the Town of Mashpee who are qualified to vote in the elections to meet at the Mashpee High School on Monday, the 3rd day of May 2021 at 7:00 p.m. for the following purposes:

To act on the articles contained in the following Warrant:

GROUP #1 CONSENT CALENDAR SPECIAL TOWN MEETING ARTICLES 1 THROUGH 4

Article 1 *HOLD*

To see if the Town will vote to appropriate and transfer the sum of \$_____ from revenue available for appropriation to the Snow & Ice Account, or take any other action relating thereto.

Submitted by the Department of Public Works

Explanation: This article is necessary to fund a deficit in the Snow & Ice Account.

The Board of Selectmen recommends approval of Article 1 by a vote of *HOLD*

The Finance Committee recommends approval of Article 1 by a vote of *HOLD*

Article 2

To see if the Town will vote to appropriate and transfer the sum of \$514.91 from revenue available for appropriation to pay the previous fiscal year's compensation and unpaid bills as follows:

Katrina Ewing	\$142.08
Christopher Roguzac	\$344.23
Massachusetts Department of Transportation EZ Pass	\$ 28.60

or take any other action relating thereto.

Submitted by the Finance Director

Explanation: This article is necessary to pay bills received after the end of a previous fiscal year.

The Board of Selectmen recommends approval of Article 2 by a vote of 5-0

The Finance Committee recommends approval of Article 2 by a vote of 7-0

Article 3

To see if the Town will vote to appropriate and transfer pursuant to the provisions of M.G.L. C. 44B, §6 to reserve from the Community Preservation Fund Budgeted for Appropriation Reserve, the following amounts:

\$32,620	10% Open Space/Recreation Purposes
\$32,620	10% Historic Purposes
\$32,620	10% Affordable Housing Purposes

or take any other action relating thereto.

Submitted by the Community Preservation Committee

The Community Preservation Committee recommends approval of Article 3 by a vote of 9-0.

Explanation: This is a "clean-up" article to meet the requirement of reserving funds from the supplemental CPA FY 2021 Trust Fund distribution. The amount of FY 2021 state reimbursement received by the Town of Mashpee was \$326,204 higher than the initial estimate and due to a surplus in the FY 2020 state budget. The initial estimate was based on an 11.2% reimbursement rate whereas a 33.3% reimbursement rate was actually received. We are required to set aside 10% of those excess funds and deposit them into each of the CPA reserves. Funding shall derive from the Community Preservation Budgeted for Appropriation Reserve.

The Board of Selectmen recommends approval of Article 3 by a vote of 5-0

The Finance Committee recommends approval of Article 3 by a vote of 7-0

Article 4

To see if the town will appropriate and transfer from the Transportation Network Company Per Ride Assessment (TNC) Receipts Reserved Fund, the sum of \$5,275 to the Department of Public Works Road Maintenance Account, or take any other action relating thereto.

Submitted by the Finance Director

Explanation: Under Chapter 187 of the Acts of 2016, certain transportation network companies must submit to the Transportation Network Company Division of the Department of Public Utilities (DPU), the number of rides from the previous calendar year that originated within each city or town and a per-ride assessment of \$0.20. The assessment is credited to the Commonwealth Transportation Infrastructure Fund and each year, one half of the amount credited to the fund is distributed by the DPU to each city and town based on the number of rides that originated in that city or town. When received, the Town is required to deposit the funds into a special revenue receipts reserved account which must then be appropriated through a vote at town meeting. The amount requesting to be transferred represents three years of assessments.

The Board of Selectmen recommends approval of Article 4 by a vote of 5-0

The Finance Committee recommends approval of Article 4 by a vote of 7-0

Article 5 (Stand Alone Article)

To see if the Town will vote to appropriate and transfer the sum of \$1,415,485 from revenue available for appropriation, to be deposited into the Capital Stabilization Fund, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article will set aside funds into the Capital Stabilization account for future capital expenditures in an effort to ensure the Town will maintain its assets at a level adequate to protect the Town's capital investment and to minimize future maintenance and replacement costs.

The Board of Selectmen recommends approval of Article 5 by a vote of 5-0

The Finance Committee recommends approval of Article 5 by a vote of 7-0

Article 6 (Stand Alone Article)

To see if the Town will vote to appropriate and transfer the sum of \$850,000 from the Capital Stabilization Fund to the Natural Resources Capital Account for the purchase and customization of facilities for the Department of Natural Resources and to authorize the Board of Selectmen and/or Town Manager, pursuant to and upon completion of the G.L. c. 30B real property procurement process, to acquire by purchase such real property interests as the Selectmen may deem suitable to address the needs of the Department of Natural Resources Department upon such terms and conditions as the Selectmen shall deem to be in the Town's interest, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: the Capital Improvement Program Committee voted unanimously to recommend that the Town use Capital Stabilization Funds to purchase existing condominium units and customize those units to house the Department of Natural Resources and further to use Capital Stabilization Funds to be voted at the May Special Town Meeting for the funds to become available during Fiscal Year 2021.

FISCAL YEAR 2022 CAPITAL IMPROVEMENT PROGRAM	
PLANNING & CONSTRUCTION	
DNR Facility	\$ 850,000

The Board of Selectmen recommends approval of Article 6 by a vote of 5-0

The Finance Committee recommends approval of Article 6 by a vote of 7-0

THIS CONCLUDES THE BUSINESS OF THE SPECIAL TOWN MEETING

And you are hereby directed to serve this Warrant by posting up attested copies thereof, one at the Town Hall, one at the Post Office, and one each on the bulletin boards, thirty days at least before said meeting.

Hereof fail not and make return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 22nd day of March in the year two thousand and twenty one.

Per Order of,
Board of Selectmen

John J. Cotton, Chair
Thomas F. O'Hara, Vice Chair
Carol A. Sherman, Clerk
Andrew R. Gottlieb
David W. Weeden

**Town of Mashpee
Mashpee High School
500 Old Barnstable Road
Mashpee, MA 02649
Annual Town Meeting
Monday, May 3, 2021**

Barnstable, ss:

Greetings to the Constables of the Town,

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and summon the inhabitants of the Town of Mashpee who are qualified to vote in the elections to meet at the Mashpee High School on Monday, the 3rd day of May 2021 at 7:00 p.m. for the following purposes:

To act on the articles contained in the following Warrant:

Article 1

To see if the Town will vote to accept the reports of the Town officers, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: The 2020 Annual Town Report in which the reports of Town officers are presented is available at the Town Meeting and at the Town Hall.

The Board of Selectmen recommends approval of Article 1 by a vote of 5-0

The Finance Committee recommends approval of Article 1 by a vote of 7-0

Article 2

To see if the Town will vote to fix the salaries of the following elected officers as provided in Chapter 41, Section 108, of the Massachusetts General Laws for the period of July 1, 2021 to June 30, 2022, and further, to see if the Town will vote to appropriate, raise, and/or transfer a sum of money to defray the Town's expenses for the ensuing fiscal year, according to the following line item budget, with the maximum amount to be appropriated as shown in the column entitled "FY 2022 Department Request" (see Omnibus Budget), or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article seeks to fund the annual operating budgets for the various Town Departments.

The Board of Selectmen recommends approval of Article 2 by a vote of 5-0

The Finance Committee recommends approval of Article 2 by a vote of 7-0

DEPARTMENT		FY 2021 BUDGET	FY 2022 DEPARTMENT REQUEST	FY 2022 FINANCE COMMITTEE RECOMMEND	FY 2022 TOWN MANAGER RECOMMEND
MODERATOR					
SALARY	1	200	200	200	200
TOTAL		200	200	200	200
SELECTMEN					
SALARY-ELECTED	2	15,500	15,500	15,500	15,500
SALARY/WAGE	3	397,970	411,950	411,950	411,950
EXPENSE	4	38,500	38,500	38,500	38,500
LEG/ENG/CONSULTING	5	385,000	385,000	385,000	385,000
TOTAL		836,970	850,950	850,950	850,950
FINANCE COMMITTEE					
RESERVE FUND	6	57,236	100,000	100,000	100,000
EXPENSE	7	67,000	70,000	70,000	70,000
TOTAL		124,236	170,000	170,000	170,000
TOWN ACCOUNTANT					
SALARY/WAGE	8	290,380	300,236	300,236	300,236
EXPENSE	9	2,790	2,675	2,675	2,675
TOTAL		293,170	302,911	302,911	302,911
ASSESSORS					
SALARY-APPOINTED	10	3,000	3,000	3,000	3,000
SALARY/WAGE	11	299,852	310,995	310,995	310,995
EXPENSE	12	6,400	6,400	6,400	6,400
TOTAL		309,252	320,395	320,395	320,395
TREASURER/TAX COLLECTOR					
SALARY/WAGE	13	255,320	264,972	264,972	264,972
EXPENSE	14	47,100	48,900	48,900	48,900
DEBT SERVICE	15	2,500	2,500	2,500	2,500
FORECLOSURE	16	12,000	12,000	12,000	12,000
TOTAL		316,920	328,372	328,372	328,372
HUMAN RESOURCES					
SALARY/WAGE	17	367,134	387,660	387,660	387,660
EXPENSE	18	113,519	116,429	113,519	113,519
TOTAL		480,653	504,089	501,179	501,179

DEPARTMENT		FY 2021 BUDGET	FY 2022 DEPARTMENT REQUEST FY 2022	FY 2022 FINANCE COMMITTEE RECOMMEND	FY 2022 TOWN MANAGER RECOMMEND
INFORMATION TECHNOLOGY					
SALARY/WAGE	19	360,167	374,048	374,048	374,048
EXPENSE	20	314,328	326,480	314,328	314,328
EQUIPMENT REPLACEMENT	21	27,000	27,000	27,000	27,000
TOTAL		701,495	727,528	715,376	715,376
TOWN CLERK					
SALARY-ELECTED	24	91,520	93,355	93,355	93,355
SALARY/WAGE	25	98,750	105,251	105,251	105,251
EXPENSE	26	9,175	9,175	9,175	9,175
TOTAL		199,445	207,781	207,781	207,781
ELECTIONS & REGISTRATIONS					
SALARY/WAGE	27	60,612	63,095	63,095	63,095
EXPENSE	28	23,000	23,000	23,000	23,000
TOTAL		83,612	86,095	86,095	86,095
CONSERVATION					
SALARY/WAGE	29	221,731	228,350	228,350	228,350
EXPENSE	30	5,336	5,420	5,336	5,336
HERRING EXPENSE	31	500	500	500	500
TOTAL		227,567	234,270	234,186	234,186
NATURAL RESOURCES					
SALARY/WAGE	32	457,685	508,932	508,932	508,932
EXPENSE	33	132,840	136,500	132,840	132,840
PROPAGATION	34	162,000	135,000	135,000	135,000
TOTAL		752,525	780,432	776,772	776,772
PLANNING BOARD					
EXPENSE	35	8,265	8,325	1,125	1,125
TOTAL		8,265	8,325	1,125	1,125
PLANNING DEPARTMENT					
SALARY/WAGE	36	135,345	142,730	142,730	142,730
EXPENSE	37	4,250	4,125	4,125	4,125
TOTAL		139,595	146,855	146,855	146,855
TOWN HALL					
EXPENSE	38	282,000	282,000	282,000	282,000
TOTAL		282,000	282,000	282,000	282,000

DEPARTMENT		FY 2021 BUDGET	FY 2022 DEPARTMENT REQUEST FY 2022	FY 2022 FINANCE COMMITTEE RECOMMEND	FY 2022 TOWN MANAGER RECOMMEND
POLICE					
SALARY/WAGE	39	4,166,642	4,404,421	4,404,421	4,404,421
EXPENSE	40	317,681	317,681	317,681	317,681
DISPATCHERS SALARY/WAGE	41	529,365	548,095	548,095	548,095
TOTAL		5,013,688	5,270,197	5,270,197	5,270,197
FIRE					
SALARY/WAGE	42	3,900,285	4,158,990	4,158,990	4,158,990
EXPENSE	43	507,723	510,047	507,723	507,723
TOTAL		4,408,008	4,669,037	4,666,713	4,666,713
BUILDING INSPECTOR					
SALARY/WAGE	44	332,535	332,993	332,993	332,993
EXPENSE	45	29,375	29,375	29,375	29,375
TOTAL		361,910	362,368	362,368	362,368
TREE WARDEN					
EXPENSE	46	2,000	2,000	-	-
TOTAL		2,000	2,000	-	-
SCHOOL					
BUDGET	47	22,778,314	23,299,435	23,299,435	23,299,435
TOTAL		22,778,314	23,299,435	23,299,435	23,299,435
D.P.W.					
SALARY/WAGE	49	2,696,278	2,896,661	2,756,526	2,756,526
EXPENSE	50	963,420	1,178,295	965,420	965,420
BUILDINGS & GROUNDS	51	1,200,311	1,300,311	1,300,311	1,300,311
TOTAL		4,860,009	5,375,267	5,022,257	5,022,257
SNOW & ICE					
EXPENSE	52	116,570	116,570	116,570	116,570
TOTAL		116,570	116,570	116,570	116,570
STREET LIGHTING					
EXPENSE	53	25,000	22,000	22,000	22,000
TOTAL		25,000	22,000	22,000	22,000
TRANSFER STATION					
EXPENSE	54	1,047,126	1,154,149	1,078,249	1,078,249
TOTAL		1,047,126	1,154,149	1,078,249	1,078,249

DEPARTMENT		FY 2021 BUDGET	FY 2022 DEPARTMENT REQUEST FY 2022	FY 2022 FINANCE COMMITTEE RECOMMEND	FY 2022 TOWN MANAGER RECOMMEND
SEWER COMMISSION					
SALARY	55	90,900	100,820	100,820	100,820
EXPENSE	56	10,200	10,200	10,200	10,200
TOTAL		101,100	111,020	111,020	111,020
CEMETERY					
EXPENSE	57	43,000	15,000	15,000	15,000
TOTAL		43,000	15,000	15,000	15,000
HEALTH					
SALARY-APPOINTED	58	3,000	3,000	3,000	3,000
SALARY/WAGE	59	309,294	321,105	321,105	321,105
EXPENSE	60	41,290	63,040	63,040	63,040
TOTAL		353,584	387,145	387,145	387,145
COUNCIL ON AGING					
SALARY/WAGE	61	251,546	264,680	264,680	264,680
EXPENSE	62	44,095	43,627	43,627	43,627
TOTAL		295,641	308,307	308,307	308,307
VETERANS					
EXPENSE	63	110,000	121,000	121,000	121,000
MEMBERSHIP	64	45,000	49,500	41,500	41,500
TOTAL		155,000	170,500	162,500	162,500
HUMAN SERVICES					
SALARY/WAGE	65	80,411	85,601	85,601	85,601
EXPENSE	66	51,910	51,910	51,910	51,910
TOTAL		132,321	137,511	137,511	137,511
LIBRARY					
SALARY/WAGE	67	518,818	529,898	529,898	529,898
EXPENSE	68	192,018	193,467	193,467	193,467
TOTAL		710,836	723,365	723,365	723,365
RECREATION					
SALARY/WAGE	69	288,255	296,871	296,871	296,871
EXPENSE	70	32,125	32,125	32,125	32,125
TOTAL		320,380	328,996	328,996	328,996
HISTORICAL					
TEMP WAGE	71	9,000	9,000	9,000	9,000
EXPENSE	72	6,830	6,830	6,830	6,830
TOTAL		15,830	15,830	15,830	15,830

DEPARTMENT		FY 2021 BUDGET	FY 2022 DEPARTMENT REQUEST FY 2022	FY 2022 FINANCE COMMITTEE RECOMMEND	FY 2022 TOWN MANAGER RECOMMEND
CULTURAL COUNCIL					
EXPENSE	73	90	90	90	90
TOTAL		90	90	90	90
PRINCIPAL INSIDE 2 1/2	74	1,250,142	1,178,797	1,173,797	1,173,797
PRINCIPAL OUTSIDE 2 1/2	75	810,000	805,000	805,000	805,000
TEMP PRINC OUTSIDE 2 1/2	76	-	-	-	-
INTEREST INSIDE 2 1/2	77	251,688	209,138	209,138	209,138
INTEREST OUTSIDE 2 1/2	78	289,375	261,125	261,125	261,125
Principal & Interest					
TEMP BORROW INSIDE 2 1/2	79	40,000	70,000	70,000	70,000
Principal & Interest					
TEMP BORROW OUTSIDE 2 1/2	80	-	61,250	61,250	61,250
RETIREMENT EXPENSE	81	3,649,255	3,774,725	3,704,763	3,704,763
UNEMPLOYMENT	82	40,000	60,000	40,000	40,000
MEDICAL INSURANCE	83	7,882,008	8,592,742	7,543,742	7,543,742
GROUP INSURANCE	84	15,645	15,845	15,845	15,845
MEDICARE	85	462,187	485,000	485,000	485,000
TOWN INSURANCE	86	902,378	946,520	946,520	946,520
TOTAL		61,088,990	64,108,132	62,267,930	62,267,930

Article 3

To see if the Town will vote to appropriate and transfer the sum of \$1,806,046 from available funds to various department Capital Accounts, as specified in the chart accompanying this Article, or take any other action relating thereto.

Submitted by the Board of Selectmen

FISCAL YEAR 2022 CAPITAL IMPROVEMENT PROGRAM		
REQUESTS BY DEPARTMENT	FY 2022 CIP COMMITTEE RECOMMENDATIONS	FY 2022 TOWN MANAGER RECOMMENDATIONS
DPW		
Replace 2012 Ford F350	\$ 44,000	\$ 44,000
Replace 2014 Ford F350	\$ 46,000	\$ 46,000
Replace 2014 Ford F550	\$ 91,000	\$ 91,000
Replace 2013 Vermeer Chipper	\$ 75,000	\$ 75,000
Total DPW	\$ 256,000	\$ 256,000
FIRE		
Purchase 2 Vehicles (DC 372/Utility 350)	\$ 120,000	\$ 120,000
Total Fire	\$ 120,000	\$ 120,000
INFORMATION TECHNOLOGY		
Phone System Upgrade	\$ 25,564	\$ 25,564
Network Switch - Town Hall	\$ 50,000	\$ 50,000
MS Office	\$ 33,884	\$ 33,884
Total Information Technology	\$ 109,448	\$ 109,448
NATURAL RESOURCES		
Replace Shellfish Boats	\$ 43,000	\$ 43,000
Replace Harbormaster Boat	\$ 158,000	\$ 158,000
Total Natural Resources	\$ 201,000	\$ 201,000
PLANNING & CONSTRUCTION		
Flooring Replacement	\$ 50,000	\$ 50,000
Roof Solar System Purchase (MMHS, DPW, COA)	\$ 119,198	\$ 119,198
QS Library AC Installation	\$ 75,000	\$ 75,000
MMHS Parking Lot Resurfacing	\$ 350,000	\$ 350,000
School Security Upgrades	\$ 90,000	\$ 90,000
Total Planning & Construction	\$ 684,198	\$ 684,198
POLICE		
10 Police Vehicles	\$ 156,000	\$ 156,000
4 Police Vehicles	\$ 68,400	\$ 68,400
Total Police	\$ 224,400	\$ 224,400

SCHOOL		
Food Service Equipment Upgrades	\$ 25,000	\$ 25,000
Chromebook Leases	\$ 45,000	\$ 45,000
Interactive Board Systems in Classrooms	\$ 25,000	\$ 25,000
Replacement of Teacher PCs	\$ 56,000	\$ 56,000
Wireless Upgrades	\$ 30,000	\$ 30,000
Flag Pole Installation - KCC, QS, MMHS	\$ 30,000	\$ 30,000
Total School	\$ 211,000	\$ 211,000
TOTAL ALL DEPARTMENTS	\$ 1,806,046	\$ 1,806,046

Explanation: This article is to appropriate funds for the FY 2022 capital budget.

The Board of Selectmen recommends approval of Article 3 by a vote of 5-0

The Finance Committee recommends approval of Article 3 by a vote of 7-0

Article 4

To see if the Town will vote to approve the annual regional school district budget for the Cape Cod Regional Technical High School District for the fiscal year beginning July 1, 2021, in the amount of \$12,647,853 and further, to see if the Town will vote to raise and appropriate the sum of \$978,770 to meet its share of the cost of operation and maintenance of the Cape Cod Regional Technical High School District for the fiscal year beginning July 1, 2021, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: Mashpee's share of the Cape Cod Regional Technical High School budget is \$978,770. There are currently 44 students from Mashpee at the Cape Cod Regional Technical High School, a decrease of 4 students from the previous year.

The Board of Selectmen recommends approval of Article 4 by a vote of 5-0

The Finance Committee recommends approval of Article 4 by a vote of 6-0

Article 5

To see if the Town will vote to approve the regional school district debt assessment for the Cape Cod Regional Technical High School District Building Project for the fiscal year beginning July 1, 2021, in the amount of \$6,255,573, and further, to see if the Town will vote to raise and appropriate the sum of \$439,689 to meet its share of the cost of debt for the Cape Cod Regional Technical High School District Building Project for the fiscal year beginning July 1, 2021, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: Mashpee's share of the Cape Cod Regional Technical High School debt for the Cape Cod Regional Technical High School Building Project for Fiscal Year 2022 is \$439,689.

The Board of Selectmen recommends approval of Article 5 by a vote of 5-0

The Finance Committee recommends approval of Article 5 by a vote of 6-0

Article 6

To see if the town will appropriate the sum of \$54,000,000 to fund implementation and construction of Phase 1 of the Town's comprehensive nitrogen and wastewater management, treatment and disposal improvement plans, including construction of the proposed wastewater Treatment Plant adjacent to the Town's solid waste Transfer Station, sewer mains, pump stations, and related sewer collection system improvements, including all expenses incidental and related thereto (the "Project"), to authorize the Treasurer, with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary for that purpose, and to apply the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, to pay Project costs and reduce the amount authorized to be borrowed by the amount of the premium so applied, and, further, to authorize the Board of Selectmen and/or Town Manager to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein; provided, however, that this appropriation and debt authorization shall be contingent upon passage of a Proposition 2½ debt exclusion ballot question pursuant to General Law Chapter 59, § 21C(k), or take any other action relating thereto.

Submitted by the Board of Selectmen and the Sewer Commission

Explanation: This article would provide funding to implement and construct Phase 1 of the Town's comprehensive wastewater management, treatment, and disposal improvement plan, including construction of the Wastewater Treatment Plant to be located adjacent to the Town's solid waste transfer station and related Phase 1 sewer collection system improvements to be connected to the wastewater treatment facility. This project is one of the initial essential steps in implementing the Town's Watershed Nitrogen Management Plan/CWMP.

The Board of Selectmen recommends approval of Article 6 by a vote of 5-0

The Finance Committee recommends approval of Article 6 by a vote of *HOLD*

Article 7

To see if the Town will vote pursuant to G.L. Chapter 40, Section 15A to authorize the transfer of care, custody and control of that portion of the Town owned conservation land, described as Parcel C (0-Mashpee Neck Rd) as shown on the Plan entitled Clippership Village of Mashpee Property Owners Association, plan dated June 8th, 1998 from Cape & Islands Engineering, (Mashpee Assessors' Map 76 as Block 60), in Mashpee, consisting of 2.7 acres, more or less, as described in the deed recorded in the Barnstable County Registry of Deeds in Book 29977 Page 223 from the Conservation Commission to the Board of Selectmen and/or Sewer Commission for purposes of the development and construction of a sewer pumping station and related appurtenances; to authorize the Board of Selectmen and Conservation Commission to petition the General Court for authorization and approval of such transfer in custody and change in use as is required under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts; and, further, to authorize the Board of Selectmen/ Sewer Commission and Conservation Commission to enter into such agreements and execute any and all instruments on behalf of the Town, upon such terms and conditions as they shall deem to be in the best interest of the Town, to effect said transfer in custody and change in use; or take any other action relating thereto.

Submitted By the Board of Selectmen and the Sewer Commission

Explanation: This article will enable the Town to begin the process to allow the use of this land for the construction of a sewer substation as part of the town's wastewater treatment plan infrastructure. This parcel is in conservation status under Article 97 and is thus restricted from being developed and/or used for any other purposes aside from conservation and passive recreation. Any proposed usage of this parcel that does not comport with allowable uses must be approved by the local governing Conservation Commission, Town Meeting, a 2/3rds vote of the MA State Legislature and approval by the State Governor.

The Board of Selectmen recommends approval of Article 7 by a vote of 5-0

The Finance Committee recommends approval of Article 7 by a vote of 5-1

Article 8

To see if the Town will vote to adopt a General Bylaw to establish flow neutral regulations applicable to present and future wastewater treatment systems and sewer service areas in the Town, as follows, or take any other action in relating thereto.

Chapter 108 - Flow Neutral Regulation for Present and Future Wastewater Treatment Systems/ Sewer Service Areas.

§108-1 Purpose

In order to manage present and future wastewater flows for the purposes of compliance with present and future groundwater quality standards, preserving the environmental qualities of the Town, and supporting broader community wastewater treatment and disposal planning objectives, the Town adopts this Flow Neutral Regulation for Present and Future Wastewater Treatment Systems and Sewer Service Areas. This regulation shall be supplemental to any and all other applicable statutes, regulations, bylaws, rules, and regulations, including, without limitation, the requirements of 310 CMR 15.000: Septic Systems (Title 5), as such may be amended from time to time, or any orders or directives issued pursuant thereto, and nothing herein shall exempt the owner of any property in the Town therefrom.

§ 108-2 Applicability.

This Chapter shall apply to all property located in the Town which is, or shall in the future be, serviced by an on-site sewage disposal system pursuant to Title 5 or connected to a private or public sewage disposal/ sewer system. The present and future wastewater flows to any such on-site sewage disposal or sewer system shall, pursuant to this regulation, be limited to the flows permitted from such properties as of the effective date of the Mashpee Comprehensive Wastewater Management Plan (CWMP), July 1, 2015.

§108-3 Mandatory Sewer Connection; Elimination of Septic Systems in Sewer Service Areas.

- A. The requirements for mandatory connection of parcels of property located in Town designated sewer service areas to the public sewer system shall be defined in regulations adopted by the Sewer Commission.

- B. Within thirty (30) days of a property's connection to the public sewer, any septic system or other waste disposal system located on the property shall be decommissioned in accordance with Board of Health regulations.

§ 108-4 Determination of Wastewater Flow.

For purposes of this Chapter, wastewater flow to onsite sewage disposal systems and to private/public sewage disposal systems shall be determined in accordance with either: 1) the provisions set forth in 310 CMR 15 (Title 5); or 2) water meter data provided by the Mashpee Water District, as adjusted for seasonal occupancy; or 3) any other method acceptable to the Department of Environmental Protection and the Town of Mashpee. Any structure, legally in existence as of July 1, 2015, regardless of its flow, may by right maintain that flow or number of bedrooms. "Bedroom" is defined in 310 CMR 15.002 (Title 5: Standard requirements specified in 310 CMR 15.000, and the number of bedrooms in the Assessor's records as of July 1, 2015, are presumed to be accurate.

§ 108-5 Modifications to Existing Parcels or Changes in Use in Sewer Service Areas.

A. Single-family residences.

1. Existing development. Modifications of an existing single-family dwelling on a parcel of 40,000 square feet or less may increase the total number of bedrooms to four (4) by right. Modifications of existing single-family residences on parcels over 40,000 square feet may increase the number of bedrooms to one (1) bedroom per 10,000 square feet of lot area by right.
2. New development. A single-family residence may have four (4) bedrooms by right on parcels of 40,000 square feet or less. On parcels greater than 40,000 square feet, a single-family residence may have one (1) bedroom per 10,000 square feet of lot area by right.
3. Addition of bedrooms beyond those permitted in Subsection A.1. and 2. above shall require a variance from the Board of Health (for on-site disposal systems) or Sewer Commission (for sewer systems) in accordance with §108-06.

B. Multifamily residences.

1. Existing development. Modifications of an existing multifamily residence may increase the number of bedrooms to one (1) bedroom per 10,000 square feet of lot area by right.
2. New development. A new multifamily dwelling is allowed one bedroom per 10,000 square feet of lot area by right.
3. Addition of bedrooms in multifamily dwellings, beyond which is allowed by right, shall require a variance from the Board of Health (for on-site disposal systems) or Sewer Commission (for sewer systems) in accordance with §108-6.

C. Nonresidential development.

1. Existing development.
 - (a) Modifications or changes of use, including residential to nonresidential, that increase flow to a level that is no more than ten (10) percent above that permitted as of July 1, 2015, by 310 CMR 15 (Title 5) are allowed by right.
 - (b) Modifications or changes of use that increase flow more than that allowed by right in Subsection C.1.(a) require a variance from the Board of Health (for on-site disposal systems) or Sewer Commission (for sewer systems) in accordance with §108-6.

2. New development.

- (a) New nonresidential development on a vacant parcel with a wastewater flow up to 110 gallons per day per 10,000 square feet of lot area is allowed by right.
- (b) New nonresidential development on a vacant parcel with a proposed wastewater flow greater than 110 gallons per day per 10,000 square feet shall require a variance from the Board of Health (for on-site disposal systems) or Sewer Commission (for sewer systems) in accordance with §108-6.

§ 108-6 Variances.

- A. The Board of Health (for on-site disposal systems) or Sewer Commission (for sewer systems), after a public hearing of which notice has been given by publication 1) in a newspaper of general circulation and 2) posting with the Town Clerk and on the Town website for a period of no less than fourteen (14) days prior to the date of hearing, may grant a variance from the requirements of this regulation, provided both Subsection A.1 and 2. below are satisfied.
 - 1. Sufficient capacity exists in the treatment facility, as determined by the Board of Health Agent or Sewer Commission, its agent/ designee, as appropriate. If sufficient capacity does not exist, then no variance shall issue.
 - 2. With respect to an on-site Title 5 disposal system, should the Board of Health determine sufficient capacity exists the applicant must then demonstrate that a septic system for the total number of bedrooms or nonresidential flow requested, meeting the provisions of 310 CMR 15.000 (Title 5), without significant variances, can be sited on the parcel.
- B. The Board of Health may, at its sole and absolute discretion, issue a variance that, in its judgment, could be granted without substantially derogating from the intent or purpose of this regulation should the applicant fail to satisfy criteria in § 108-6A.2 above.

§ 108-7 Rebuilding a Structure Due to Casualty Loss.

A property owner may rebuild a structure destroyed by fire, flood, storm or other acts of nature as a matter of right, provided that the new structure does not exceed the permitted wastewater flow and number of bedrooms of the structure being replaced.

§ 108-8 Transferability of Flow Capacity.

The number of bedrooms or permitted flow on any particular parcel of land cannot be sold, exchanged, transferred, or otherwise used to benefit the determination of number of bedrooms or flow on another parcel or another's right to a sewer connection, unless any such sale, transfer or exchange is authorized by a Board of Health or Sewer Commission regulation.

§ 108-9 Severability.

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

§ 108-10 Violations and Penalties; Enforcement.

- A. Any person found to be violating any provision of this Chapter shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.
- B. Any person who shall continue any violation beyond the period permitted in Subsection A. shall be subject to a fine in an amount not exceeding fifty dollars (\$50) for each violation. Each day in which such a violation shall continue shall be deemed a separate offense.

The Board of Health and Sewer Commission, and their duly authorized agents, shall have the power and authority to enforce the provisions hereof. This section shall in no way limit the Town's power and authority to invoke other remedies at law to enforce and compel compliance with the provisions of this Chapter. Any person violating any of the provisions set forth herein shall be liable to the Town for any expense, loss, or damage incurred by the Town as a result of such violation.

Submitted by the Board of Selectmen and the Sewer Commission

Explanation: This article will adopt a General Bylaw to establish flow neutral regulations applicable to present and future wastewater treatment systems and sewer service areas in the Town. Adoption of this bylaw enables the Town to qualify for 0% financing from the state Clean Water Trust.

The Board of Selectmen recommends approval of Article 8 by a vote of 5-0

The Finance Committee recommends approval of Article 8 by a vote of *HOLD*

Article 9

To see if the Town will vote to continue participation in the Community Septic Management Program and the Massachusetts Water Pollution Abatement Trust (MWPAT) for the purpose of making loans to residents of the Town for repairing and/or upgrading residential septic systems pursuant to agreements between the Board of Health and residential property owners, including all costs incidental and related thereto, or to take any other action relating thereto.

Submitted by the Board of Health

Explanation: The Commonwealth of Massachusetts, through the Water Pollution Abatement Trust, has provided approximately \$660,000.00 at 0% interest to the Town of Mashpee to assist homeowners in complying with failed Title V systems since 1998. The loans are available to homeowners at 5% interest, to cover any ongoing costs of the program. Loans must be secured by a betterment assessed by the Town on the property being improved by the loan. The repayment of the loans to the Town, with the 5% interest, is being repaid through previously issued property betterments. In order for the Town to be able to re-loan funds to future additional septic projects, the Town must annually reauthorize/re-approve participation in the Community Septic Management Program. Failure to reauthorize participation in the Program will restrict the Town from re-lending funds to homeowners with failed septic systems. The repaid monies will be held in an account with the principal amount repaid to the MWPAT as scheduled.

The Board of Selectmen recommends approval of Article 9 by a vote of 5-0

The Finance Committee recommends approval of Article 9 by a vote of 7-0

GROUP #2 CONSENT CALENDAR ANNUAL TOWN MEETING ARTICLES 10 THROUGH 19

Article 10

To see if the Town will vote to appropriate and transfer the sum of \$250,000 from revenue available for appropriation to the Other Postemployment Benefits Irrevocable Trust Fund, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article will add funds to the OPEB Irrevocable Trust Fund which was established in FY 2013 to assist the Town with meeting its potential post-employment benefits obligation.

The Board of Selectmen recommends approval of Article 10 by a vote of 5-0

The Finance Committee recommends approval of Article 10 by a vote of 7-0

Article 11

To see if the Town will vote to appropriate and transfer the sum of \$250,000 from revenue available for appropriation, to be deposited into special injury leave indemnity fund, (Injured on Duty Fund), in accordance with the provisions of General Law Chapter 41, Section 111F for the purposes of funding injury leave compensation or medical bills incurred under said law, or take any other action relating thereto.

Submitted by the Finance Director

Explanation: This article would deposit \$250,000 into the special injury leave indemnity fund (Injured on Duty Fund).

The Board of Selectmen recommends approval of Article 11 by a vote of 5-0

The Finance Committee recommends approval of Article 11 by a vote of 6-0

Article 12

To see if the Town will vote pursuant to G.L. c.40, §59 and G.L. c.23A, §§3E and 3F to: (a) approve the Tax Increment Financing ("TIF") Agreement between Old Barnstable Road MQS CY Solar Project 2020, LLC and the Town of Mashpee, substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), for private property consisting of solar photovoltaic electric generating improvements to be located at the Quashnet School (Assessors Map 67, Lots 2), Coombs School (Assessors Map 67, Lots 2), and Mashpee High School (Assessors Map 73, Lots 4) pursuant to a lease of portions of said school properties by the Town, and as described more fully in the TIF Agreement, which TIF Agreement provides for real estate tax exemptions at the exemption rate schedule set forth therein; (b) authorize the Board of Selectmen to execute the TIF Agreement, and any documents relating thereto; and (c) authorize the Board of Selectmen to approve submission of the TIF Agreement and Certified Project Application, and any associated documents to the Massachusetts Economic Assistance Coordinating Council, all relating to the project as described in the TIF Agreement to be located at the above-referenced school properties and in the Certified Project Application, and take such other and further action as may be necessary or appropriate to obtain EACC approval, implement these documents, and carry out the purposes of this article; or take any other action relating thereto.

Submitted By the Board of Selectmen

Explanation: The Town has entered into a power purchase agreement and lease with a developer for the installation of solar canopies in the parking lots at the KC Coombs School and the Middle/High School. The electricity generated by these canopies will be used onsite. The per Kilowatt Hour (kWH) cost of this electricity will be significantly lower than the kWH cost charged to the Town by the utility, resulting in a savings to the Town for the school's energy use. Because the solar canopies will be owned by the developer, they are subject to personal property tax as a matter of law. (NOTE: Roof-mounted solar systems on municipal property are exempt from personal property tax per state law). This tax obligation would, however, be passed along to the Town as the customer pursuant to the terms of the power purchase agreement. This article will authorize the Town to effectively exempt the proposed solar canopies from property taxation pursuant to a TIF Agreement, thus, facilitating administration of the power purchase agreement.

The Board of Selectmen recommends approval of Article 12 by a vote of 5-0
The Finance Committee recommends approval of Article 12 by a vote of 7-0

Article 13

To see if the Town will vote to appropriate \$527,959 to establish a budget for the PEG Access and Cable Related fund for fiscal year 2022, with said appropriation to be funded through the current balance of the fund, or take any other action relating thereto.

Submitted by the Finance Director

Explanation: The Department of Revenue now requires the Town to vote a yearly budget based on estimated expenditures from the fund for the next fiscal year. The total budget voted may not exceed the current balance within the fund.

The Board of Selectmen recommends approval of Article 13 by a vote of 5-0
The Finance Committee recommends approval of Article 13 by a vote of 5-0-1

Article 14

To see if the Town will vote to authorize the total expenditures for the following revolving funds pursuant to G.L. Ch. 44 Section 53E ½ for the fiscal year beginning July 1, 2021 to be expended in accordance with the Bylaw establishing said revolving funds, heretofore approved, or take any other action relating thereto.

FUND	FY 2022 AUTHORIZATION
RECREATION	\$580,000
LIBRARY	\$20,000
SENIOR CENTER	\$15,000
HISTORICAL COMMISSION	\$2,500

Submitted by the Finance Director

Explanation: This article establishes the FY 2022 expenditure limits for departmental revolving funds.

The Board of Selectmen recommends approval of Article 14 by a vote of 5-0
The Finance Committee recommends approval of Article 14 by a vote of 7-0

Article 15

To see if the Town will vote to raise, borrow or transfer from available funds and appropriate the sum of \$594,184 to provide for road improvement projects under the Chapter 90 program, or take any other action relating thereto.

Submitted by the Department of Public Works

Explanation: This article authorizes use of funds which will be 100% reimbursed by the Commonwealth of Massachusetts. The budget approved each fiscal year by the Legislature and Governor establishes the total funding available for Chapter 90 local transportation aid for that year. These funds are then apportioned to the 351 Massachusetts towns and cities. The funding authorized by this article is the maximum anticipated Town's share of the FY22 Chapter 90 program.

The Board of Selectmen recommends approval of Article 15 by a vote of 5-0

The Finance Committee recommends approval of Article 15 by a vote of 6-0

Article 16

To see if the Town will vote to accept the roadway layout as shown in the plan entitled "*Layout Plan of Red Brook Road in Mashpee, MA dated October 7, 1993, Sheets 1-6*" (revised, as necessary, to comport with current Barnstable Registry of Deeds plan recording standards), which lays out and defines Red Brook Road from the Mashpee/Falmouth Town Line to the intersection of Great Neck Road South and Great Oak Road, or take any other action relating thereto.

Submitted by the Department of Public Works

Explanation: This article confirms the formal layout of Red Brook Road. Although this road has been used and maintained by the Town as a public way for decades, it does not appear that the 1993 layout was ever accepted and the Plan was never recorded by the Town. This article will address these inadvertent omissions.

The Board of Selectmen recommends approval of Article 16 by a vote of 5-0

The Finance Committee recommends approval of Article 16 by a vote of 7-0

Article 17

To see if the Town will vote to appropriate the sum of \$419,120, for the operation of the Kids Klub Enterprise Fund for Fiscal Year 2022; said sum to be raised from \$419,120 in receipts of the Enterprise, or take any other action relating thereto.

Submitted by the Recreation Department

Estimated Revenues

Registration Fees	\$ 3,000
Tuition	\$ 415,845
<u>Investment Income</u>	<u>\$ 275</u>
<u>Total Budgeted Revenue</u>	<u>\$ 419,120</u>

Estimated Expenses

Salary (full-time; incl. long.)	\$293,570
Salary (part-time)	\$ 27,000
Benefits (Health, Life, Medicare)	\$ 47,500
<u>Building Expenses</u>	<u>\$ 51,050</u>
<u>Total Budgeted Expenses</u>	<u>\$419,120</u>

Net Profit/Loss

\$0

Explanation: The proposed Recreation Enterprise budget for fiscal year 2022 will authorize the Recreation Department to operate a toddler/pre-school program as a self-sufficient, self-funded operation. All costs related to this program are projected are to be offset by the revenues of the program. Any monies in excess of the expenses are to remain in the account.

The Board of Selectmen recommends approval of Article 17 by a vote of 5-0

The Finance Committee recommends approval of Article 17 by a vote of 7-0

Article 18

To see if the Town will vote to appropriate and transfer from the FY 2022 Community Preservation Fund Estimated Revenues the sum of \$40,000 to the Community Preservation Committee Administrative and Operating Expense Account, pursuant to the provisions of M.G.L., C. 44B, §5, including any necessary costs related thereto, as recommended by the Community Preservation Committee or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: To provide annual funding in FY 2022 for the administrative and operational costs of the Community Preservation Committee which includes project costs associated with and incidental to the Community Preservation Committee. Under the CPA Act, up to 5% of the annual CPA funds may be spent on the operation and administrative costs of the Community Preservation Committee. Funding supports legal and professional fees, technical reviews, appraisal costs, signage, annual Community Preservation Coalition dues, administrative wages, office supplies and similar costs associated with and incidental to the development of a CPA project.

The vote of the Community Preservation Committee was 9-0 in support of this article.

The Board of Selectmen recommends approval of Article 18 by a vote of 5-0

The Finance Committee recommends approval of Article 18 by a vote of 6-1

Article 19

To see if the Town will vote to appropriate and transfer the sum of \$187,000 from the Waterways Improvement Fund to the Engineering/Permitting/Dredging and Associated Expense Account, or take any other action relating thereto.

Submitted by the Waterways Commission

Explanation: This article will provide funds for Waterways projects such as the Little River/Great River Expansion project or the Annual Popponesset Approach Channel Dredge.

The Board of Selectmen recommends approval of Article 19 by a vote of 5-0

The Finance Committee recommends approval of Article 19 by a vote of 7-0

THIS CONCLUDES THE BUSINESS OF THE ANNUAL TOWN MEETING

And you are hereby directed to serve this Warrant by posting up attested copies thereof, one at the Town Hall, one at the Post Office, and one each on the bulletin boards, thirty days at least before said meeting.

Hereof fail not and make return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 22nd day of March in the year two thousand and twenty one.

Per Order of,
Board of Selectmen

John J. Cotton, Chair
Thomas F. O'Hara, Vice Chair
Carol A. Sherman, Clerk
Andrew R. Gottlieb
David W. Weeden