

## **SELECTMEN'S MEETING**

**Tuesday, April 14, 2009**

**6:00 PM**

Dennis Town Hall

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**Attendees: Board of Selectmen Sheryl McMahon, Paul McCormick, Charlie Crowell, Heidi Schadt, Wayne Bergeron  
Town Administrator Rick White, Assistant Town Administrator Sandra Fife**

### **I. PUBLIC INFORMATION**

R. Lillos, a resident who lives on 26 Uncle Stanley Way which is a private road, spoke on the condition of road and asked what can be done to improve conditions. S. McMahon stated at this time without funding available the Town is not allowed to spend public funds on private roads. D. Johansen stated the DPW is working on a list of private roads that are paved to be addressed in fiscal 2010. D. Johansen informed the public of the Private Road Betterment By-Law to assist residents on private roads.

W. Bergeron stated Transfer Station will be closed Patriot's Day. D. Johansen stated stickers expire May 1<sup>st</sup> but there is a grace period until through the second week of May because Town Hall is not selling stickers until May 4th

W. Bergeron stated the Board is in Receipt of Letter that requests telecommunications and cable companies to eliminate the requirement to report the number of transcribers on form. W. Bergeron recommended to the public and Board to write a letter opposing this. W. Bergeron announced vacancy on Committees.

P. McCormick announced Golf Department has 2 new teaching golf pros. More information is available at the golf department.

P. McCormick announced the Bridge Street Project will receive another award on Friday, April 17, 2009 at 10:30 at Town Hall.

P. McCormick stated the Dennisport charette is being postponed until fall.

S. McMahon announced Annual Water District election will be held on April 22nd. Polls are open 7 AM -8 PM. Annual District Meeting on April 28<sup>th</sup> at 6 PM at Senior Center.

### **II. HEARINGS**

**6:30 PM**

**C. Crowell read hearing notice.**

**Hearing to amend Christy's of Cape Cod, LLC existing underground fuel storage license from 34,000 gallons of gasoline to 29,000 gallons of gasoline and 5,000 gallons of diesel fuel.** Myer Singer- representing applicant and Christy Mihos was also present. M. Singer explained the modifications to license. Att. David Reid who represents Homestead Condos to South and East of location expressed concern that up until this notice they did not receive any notice of questions asked about the location of tanks and will this change the delivery operations of business. M. Singer stated the Board voted many months ago the transfer of the license and it was discovered at that point to change some to diesel fuel. M. Singer stated it is the same truck- one delivery. Tanks will be located in same location. One tank is a 2 (5000) gallon tanks. Several residents and

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business owners expressed approval of the addition of gas station in area. A letter from Thomas Gardner in support of proposal was read into record.

Heidi Schadt moved Wayne Bergeron seconded and the Board voted 5-0-0 to amend Christy's of Cape Cod existing underground fuel storage license from 34,000 gallons of gasoline to 29,000 gallons of gasoline and 5,000 gallons of diesel fuel.

6:45 PM

P. McCormick stepped down. S. McMahan stepped down because she is an abutter.

**Hearing to alter Premises for Dog Leg Grill at Dennis Highland Golf Course to include alcohol beverage service at snack shack and from the 1<sup>st</sup> tee to the 18<sup>th</sup> green.** H. Schadt disclosed she is related to A. Murphy (daughter in law's cousin) and invoked the rule of necessity. A. Murphy explained the requests and benefits to the Town and his business. W. Bergeron expressed concern along the 1<sup>st</sup> tee to the 18<sup>th</sup> green. E. Oman stated Golf Advisory Committee voted 5-1 on issue. M. Cummings, Golf Director & Superintendent recommended (2 drink limit) beer and wine only sold in paper cups from restaurant and snack shack only. Concerns from abutters' (Jerry Condon, Gene Jones) included litter, urination and movement of play. A letter from Grace Resmini against proposal was read into record. A. Murphy asked can you legally limit it to beer and wine where the Dog Leg has a full license. R. White stated the Board can limit license in different phases.

Wayne Bergeron moved Heidi Schadt seconded and the Board voted 3-0-0 to include alcohol beverage service to include beer and wine only at restaurant and 10<sup>th</sup> green snack shack and no more than 2 drinks per patron from 8:00 AM to 8:00 PM weekdays and 11:00 AM to 8:00 PM Sundays.

At 7:28 PM S. McMahan returned.

7:00 PM

P. McCormick stepped down.

**Hearing to suspend, modify or revoke the weekday and Sunday entertainment licenses at The Improper Bostonian, 628 Rte. 28 Dennisport, MA , due to (22) noise complaints from April 2008 through August, 2008.**

P. Yates read a statement on issues and assured Board he is taking preventative measures (air conditioner and sound proofing in ice room, insulated door in delivery area, insulated downstairs wall, vests for staff to identify staff clearly in parking lot) to address issues. P. Yates stated he will check with Health Department to add a porta potty in parking lot on holiday weekends. P. Yates will be meeting with Officer Damon Reinold next week to further develop plan. W. Bergeron stated if Board is looking at this again at end of summer it will concern the Board. H. Schadt noted the 22 complaints did not result in any violations.

S. McMahan moved Heidi Schadt seconded and the Board voted 4-0-0 to close hearing. No

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action was taken.

**7:15 PM**

P. McCormick stepped down.

**Hearing to suspend, modify or revoke the weekday and Sunday entertainment licenses at Sand Dollar Bar & Grill located at 628 Rte. 28 Dennisport, MA , due to (7) noise complaints from May 2008 through September 2008.** Jamie Viera represented Mark Barry – Sand Dollar. J. Viera stated the applicant has removed garage doors and insulated to address noise. Currently central air conditioners are being installed with additional insulation. All complaints came from one source. Board requested M. Barry to meet with neighbor and discuss issue.

Heidi Schadt moved Wayne Bergeron seconded and the Board voted 4-0-0 to close hearing.

S. McMahon moved Wayne Bergeron seconded and the Board voted 4-0-0 to reopen hearing on Improper Bostonian. S. McMahon moved Wayne Bergeron seconded and the Board voted 4-0-0 to reissue entertainment license for Improper Bostonian as previously issued.

S. McMahon moved Wayne Bergeron seconded and the Board voted 4-0-0 to reopen hearing or Sand Dollar. S. McMahon moved Wayne Bergeron seconded and the Board voted 4-0-0 to reissue entertainment license for Sand Dollar as previously issued.

**7:30 PM**

**C. Crowell read notice.**

**Hearing from Summer Shanty Inc. to transfer seasonal all alcohol license from Compass Rose Catering**

**P. Covell on behalf of Dan Keefe 140 Rte 28. P Crowell explained the request.**

Wayne Bergeron moved Heidi Schadt seconded and the Board voted 4-0-0 to close hearing.

Wayne Bergeron moved Heidi Schadt seconded and the Board voted 4-0-0 to transfer seasonal all alcohol license from Compass Rose Catering LTD to Summer Shanty Inc. d/b/a Summer Shanty with the hours 11:AM to 12:30 AM Weekdays and Sunday 11:00 AM to 12:00 AM.

Wayne Bergeron moved Heidi Schadt seconded and the Board voted 4-0-0 to approve entertainment , live indoor 2-3 instruments, for Summer Shanty Inc. d/b/a Summer Shanty with the hours 11:AM to 12:30 AM Weekdays and Sunday 11:00 AM to 12:00 AM.

Wayne Bergeron moved Heidi Schadt seconded and the Board voted 4-0-0 to approve Dan Keefe, Manager for Summer Shanty Inc. d/b/a Summer Shanty. Manager.

**7:45 PM**

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**8:10 PM P. McCormick returned.**

**C. Crowell read letter from applicant who could not be present**

Tedeschi Food Shops, Inc. Request a change of Corporate Directors for an Annual All Alcohol Package Store.

Wayne Bergeron moved Heidi Schadt seconded and the Board voted 5-0-0 to approve request for a change of Corporate Directors for an Annual All Alcohol Package Store.

### III. ADMINISTRATIVE MATTERS

**Request to Name Training Room at Police Dept.- M. Whalen gave the Board an overview of Tom Martin's years of Service..**

M. Whalen explained request. Wayne Bergeron moved Heidi Schadt seconded and the Board voted 5-0-0 to support naming Police Community Training Room the Thomas F. Martin Community/ Training Room. Dedication will be done the week of May 10<sup>th</sup>.

**Committee Appointment to ZBA**

Heidi Schadt moved C. Crowell seconded and the Board voted 4-0-1 (SM)to appoint P. Aspesi as an alternate for a term to expire 3/31/2010 .

Heidi Schadt moved W. Bergeron seconded and the Board voted 5-0-0 to appoint Linda Slowe as a member of the Zoning Board of Appeals for a term to expire 3/31/2014 .

**Review DPW Personnel Budget**

R. White explained there is a comparability issue with the Assistant DPW Superintendent compared to other towns and his current salary is less than the employees he supervised. The DPW Superintendent has made a recommendation that requires a budget adjustment of \$11,973. Proposal from D. Johansen requires budget adjusts in 410 of 11,973 and 422 (one salary wages temp \$1,934 and gross overtime \$5,800) and in 433 (\$1160 temp and \$3079 in overtime.) Overall budget does not change. Wayne Bergeron moved Heidi Schadt seconded and the Board voted 5-0-0 to approve the current salary recommendation for the Assistant Superintendent as outlined in memo dated April 6, 2009. S. McMahan asked a memo be sent to Finance Committee on changes.

**Sign Warrant and Assign Warrant Articles**

The Board reviewed and assigned articles to be read at Town Meeting.

P. McCormick moved W. Bergeron seconded and the Board voted 5-0-0 to sign the Annual Town Meeting warrant as presented.

Town Administrator

**Telephone Proposal-** R. White updated Board on status of telephone proposal. System will be acquired on a lease purchase with budget. System is compatible with police station system, is portable, offers voice mail, transfer ability, and will offer an auto

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attendant for switchboard. R. White stated system will pay \$1200 less over three year period and can be purchased for \$1.00 after three years. Board agreed to move forward on purchasing a new system.

**Cable Funds Update** – R. White stated cable license expires in September and Comcast has identified balance in fund as an issue in negotiation of the future contract. R. White recommended cost recovery over the past ten years by encumbering funds for this purpose. Fair cost recovery based on 2600 SQ footage of space has been identified. M. Gibbs, S. Fife and D. Fortier provided an estimate of rental charges 10 years ago which resulted in a conservative estimate. R. White stated we estimated a reasonable cost recovery rent charge, discounted at 4%, of \$209,144. Utilities costs for utilities, discounted at 5%, are estimated at \$64,804. R. White asked Board to encumber \$273,948 of cable funds to be distributed after contract is negotiated. If approved R. White will request P. Epstein to present costs to Comcast during negotiations. With this encumbrance the real balance after Town Meeting appropriations is \$207,852. Wayne Bergeron moved Heidi Schadt seconded and the Board voted 5-0-0 to encumber \$273,949 of cost recovery with distribution of funds after the renegotiation of contract.

**Televise Water District Meeting-** W. Bergeron asked that the Water District Meetings be televised in the future. S. McMahon asked if staff can make a proposal to the Board of Water Commissioner to consider. R. White stated one proposal being considered is broad casting ease at 3 other locations. S. McMahon asked the Board to consider the amount given to School District in the future, Board asked administration to look at this. R. White stated he may be asking Town to carefully look at contract prior to improvement.

8:46 PM Wayne Bergeron moved Heidi Schadt seconded and the Board voted 5-0-0 to adjourn.