

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, JANUARY 13, 2014
7:00 P.M.**

APPROVED

SELECTMEN PRESENT: Ballantine, Cebula, Hughes, LaMantia, McManus

OTHERS PRESENT: Town Administrator Christopher Clark, David Scannell, Dennis Hoye, Barbara-Anne Foley, Lou Urbano, Anne Stewart, Joe McParland, and others.

MEETING CALLED TO ORDER at 7:00 p.m. by Chairman LaMantia.

CONSENT AGENDA

- A. Minutes –
 - 1. December 2, 2013 Regular Meeting
 - 2. December 9, 2013 Regular Meeting
- B. Vote to approve Golf Cart Lease Agreement with New England Golf Cars
- C. Vote to approve application for Road Race by Ragnar Events for May 9 – 10, 2014
- D. Vote to approve Annual General License Renewals as recommended
- E. Vote to accept resignation of Donald Mackay as Town representative to Barnstable County Human Rights Commission effective January 31, 2014
- F. Vote to approve the recommendation of the Board of Assessors to include age 60 (instead of 65) taxpayers in the Senior Work-off Program

Mr. Hughes moved approval of the Consent Agenda and with the exception of Items B and F. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote. The Board discussed Item B with Mr. Hoye. They requested that small editorial changes be made in Section 1 of the lease and to clarify Section 21 in regard to percentage of receipts to be retained. Mr. Hoye explained that the golf cart building will be constructed so that it can be converted to electric at any time but until then we have to operate on gasoline. He stated that these are fuel injected golf carts which are more efficient and cheaper to operate than electric. Mr. Hughes moved that with the clarifications and modifications that will be incorporated, that we approve the lease for the gas powered golf carts for Cranberry Valley Golf Course with New England Golf Cars. Ms. Cebula requested that the language in Section 21 be "a percentage of gross revenues" and asked that it be added to the motion and Mr. Hughes agreed. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

With regard to Item F, Mr. Hughes stated that it was not clear what kind of activities or work these people are doing or what their rate of compensation is. Mr. Ballantine questioned what the rationale is behind the request. Chairman LaMantia noted that there are comments in the document about changing the financial requirements and that is not what is being proposed. Mr. Scannell reported that the maximum number they have had in the program is 15 and they are currently down to 6 or 7. He said that with so few people utilizing the program, they thought they should look at the requirements. He noted that income and asset requirements are tied to the

senior exemption and they thought if it went down to age 60 it would be good for people who might need some additional help. Ms. Foley stated that currently the rate of pay is \$8 and the number of hours is 125. She noted that a number of people have aged out and there isn't a huge waiting list. She said there is difficulty matching the requests of departments with skills. She stated that if we get to age 60 we will get a different genre of people but the bigger issue is the income requirement which is at poverty level and it would help a lot if could be upped a bit. Ms. Cebula stated that she would like to see a program assessment report as she has no idea which the impact is. Mr. Waystack stated that they want to look at this in terms of our senior exemptions and tie it directly in. Ms. Cebula responded that the only thing on the agenda is the age limit. The Board requested that this come back when there is more information.

OLD BUSINESS

A. Middle School Building RFP – *discussion & possible vote*

Mr. McParland reported that the Middle School Repurpose Committee voted to include a lease or sale option in the RFP and they hope to have a completed document for the Board's approval on January 27. Mr. Clark asked the Board's preference with regard to sale versus lease and reuse type, for example, broad based or limited. He further asked if the Board wanted any local restrictions such as retaining the historic façade. He noted that there is a need for a certified appraisal to be done and said he will pursue that. He stated that there are heavy restrictions on how the money is used and that it must first be used for debt service on that building, and the rest would have to go into debt service. Mr. Ryan stated that the current debt on the building is \$175,000 with approximately \$26,000 in accrued interest.

The consensus of the Board was that the RFP should indicate for sale or lease with broad use and no local restrictions. Ms. Cebula requested to strike the language "use by a non-profit agency." Mr. McManus said it should not be a requirement but it should be indicated that it would be looked at favorably on if there is a development proposal that keeps the façade intact.

B. Town Administrator Goals – *discussion & possible vote*

Ms. Cebula moved to accept the Town Administrator's Goals with Mr. Clark's changes. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

C. Presentation on letter to MassDOT

Mr. Hughes presented the attached Power Point presentation. The Board discussed the options presented particularly option 4 with a sidewalk from the Tech School to the bike trail. The Board took comments from abutters. Mr. Hughes moved to approve option 4 as our first shot asking relief from MassDOT. The motion was not seconded. Ms. Cebula moved to pursue 2 shoulders at 2 feet throughout and 5' 5" sidewalk on the east side only from the Tech School to the Cape Cod Rail Trail. The motion carried by a 4-1-0 vote with Mr. Hughes in opposition. Mr. Hughes stated that the VHB memo should agree with what the motion is. Mr. Hughes agreed to redraft the letter to MassDOT and bring back to the Board.

D. Warrant Article Review – *discussion & possible votes*

#39 Create a Receipts for Reserve for Appropriation Fund

The Board agreed to hold this article.

#40 Departmental Revolving Funds

Mr. Ballantine moved this article for inclusion and the amounts. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

#42 Capital Improvement Receipts Reserve Fund

Ms. Cebula moved to remove Article 42. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

#43 Lease of Town-Owned Buildings

Mr. Hughes moved to include Article 43 in the warrant. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

#45 Lease of Town-Owned Property for Boat Storage

Mr. McManus moved to include Article 45 in the warrant. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

#47 Amend Charter – Chapter 3 Section 7-2 Prohibitions

Ms. Cebula moved to include this in the warrant. Mr. Hughes seconded the motion. The motion failed on a 2-3-0 vote with Chairman LaMantia, Mr. McManus and Mr. Ballantine in opposition.

#49 Sale of Alcoholic Beverages on Sunday and Holidays

Mr. McManus moved to include Article 49 in the Annual Town Meeting warrant. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

#50 Adopt New Town By-Law – Local Licenses and Permits

Mr. Hughes moved to include Article 50 in the warrant. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

E. Introduction of new Town Meeting Articles –

Chairman LaMantia reported that the following two new articles have been added to the warrant and asked that discussion be held until they are on a future agenda.

- #34 Approve Transfer of Funds for Allen Harbor Bulkhead/Parking Lot Project
#63 Approve a Tax Levy Underride

NEW BUSINESS

A. Presentation of Local Initiative Project Application – *discussion & possible vote to approve application*

Attorney Peter Freeman introduced the project developer, architect and engineer and summarized the proposed project. He noted that it is a 25 lot single family housing development with 7 affordable houses and 18 market houses at 1369 Route 39. A drawing of the proposed site layout and units was presented. Mike Lynn of Somerset Road said he is not happy to see a 25 unit neighborhood pop up behind him and it is an issue for him and his neighbors. He said he believed it was a 7 lot parcel and he questioned what happened to the zoning laws. Chairman LaMantia explained that Section 40B allows for changes in lot size and this will go through the Zoning Board of Appeals. He recommended that Mr. Lynn attend the ZBA meetings and speak to the proposers. Mr. McManus stated that if the local Board denies a Local Initiative Project Application they need to have substantial reasons and show that they are making extensive progress in reaching the 10% affordable housing goal. He said they could deny it but they don't really have any reasons and we haven't been showing a whole lot of progress on meeting our requirement. Mr. McManus moved to approve the application for the Local Initiative Program. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

ADJOURNMENT

Mr. Hughes moved to adjourn at 10:04 p.m. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary

Route 124/Pleasant Lake Ave

Update
January 13, 2014

Roadway Design Exceptions for TIP Funding all with 2-11Ft Lanes

- Option #1: 2 shoulders @ 5 Ft from Rte 6 to CCRT, 2 shoulders @ 2 Ft from CCRT to Brewster line & 5.5 Ft sidewalk on east side only from Rte 6 to CCRT
- Option #2: 2 shoulders @ 4 Ft from Rte 6 to CCRT, 2 shoulders @ 2 Ft from CCRT to Brewster line & sidewalk on east side only from Rte 6 to CCRT
- Option #3: 2 shoulders @ 4 Ft from Rte 6 to CCRT, 2 shoulders @ 2Ft from CCRT to Brewster line & NO Sidewalk
- Option #4: 2 shoulders @ 2 Ft throughout & NO Sidewalk

VHB Draft Tech Memo 12/20/13

- Background & Engineering Analysis of Roadway Changes / Options
- Line of site / stopping distance okay with 4Ft & 2Ft shoulders
- Sidewalk from Tech School to CC Rail Trail needed to provide the most efficient & safe section for all road users
- Shared bike lane / pedestrians in paved shoulders eliminates the ability to stripe section as a bike lane with 4 Ft width
- Safety concerns with shared use of bikes & peds

To Obtain Clear MassDOT Feedback

- VHB recommends BOS/Town select their preferred alternative roadway layout for TIP funding consideration and submit the request
- Request for TIP funding for multiple roadway layout options will not yield clear direction from MassDOT = 1 at a time .
- However VHB believes MassDOT can turn around each request for a decision within 30 days
- We could complete at least 2 request/reply cycles before ATM

Connectivity Tech School to CC Rail Trail

- Use of Cape Tech parking lot for improved access to CC Rail Trail is important
- Proposed shoulders (both sides) & sidewalk (east side) would connect the parking with the trail
- Cape Tech has advised BOS that they reject the use of their parking facilities for this purpose citing student safety concerns. Not clear if they reject the sidewalk in front of the school.
- As a result the sidewalk and 4 or 5 Ft shoulders will not be fully utilized
- Park & Ride Lot could be considered.
- Any plans for bike passage on Long Pond Road ?

Next Steps

- BOS to determine its preferred option
- Solicit MassDOT decision on the use of TIP funding for the preferred option
- VHB to finalize the Technical Memorandum to reflect the preferred option. VHB engineering team concerned about recommending a less than complete roadway layout.
- BOS to develop cover letter for submittal of the Tech Memo to MassDOT
- If TIP funds for preferred option approved proceed with TIP funded construction

Next Steps ... continued

- If TIP funds for initial preferred option NOT approved
 - Request approval for next option moving up the list.
 - Use ATM article to determine voter preference for TIP funding or taxpayer funding.
 - Clearly define the minimum roadway TIP will fund

If TIP Funding Rejected / Withdrawn

- Complete a drainage/repair design with Ch90 funds
- Develop construction cost estimate with Ch90 funds
- Prepare bid package & solicit cost proposals
- Determine Source of Funding for construction
- Determine project timing (single or segmented)
- Secure construction funding via ATM/ballot
- Or..... Do Nothing

2014 ANNUAL GENERAL LICENSE RENEWALS

Bonatt's Restaurant & Bakery
537 Route 28, Harwich Port
Common Victualler

Cape & Islands Collision, Inc.
d/b/a Cranberry Collision
161 Queen Anne Rd., Harwich, MA
Auto Class IV – Auto Repairman