

# **Board of Selectmen Minutes**

## **06/03/2013**

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, JUNE 3, 2013  
7:00 P.M.**

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

**OTHERS PRESENT:** Town Administrator James Merriam, Leo Cakounes, Larry Brookhart, Leedara Zola, Vickie Goldsmith, Allin Thompson, Matthew Kelley, Clem Smith, Ted Nelson, Carole Ridley, and others.

**MEETING CALLED TO ORDER** at 7:00 p.m. by Chairwoman Linda Cebula.

Chairwoman Cebula reported that the Board had just come out of Executive Session where they were discussing strategy on collective bargaining.

### **PUBLIC COMMENT/ANNOUNCEMENTS**

Mr. Cakounes spoke as representative to the Assembly of Delegates and reported that the Commissioners have voted to support the Special Committee's recommendation for the restructuring of County government. He summarized that this will basically eliminate the Assembly of Delegates and increase the number of County Commissioners from 3 to somewhere between 7 and 9. He noted that the Commissioners will become the legislative body and the single administrator will become the executive branch of government. Mr. Cakounes reported that a Charter Review Committee has been appointed and will bring their recommendations back to the Assembly some time in the fall after which the language will be expected to then go to the state followed by it appearing on the November 2014 ballot. He commented that this is a major change to County government. Mr. McManus asked if there will be a public hearing and Mr. Cakounes responded that he does not know and there is no obligation to hold a public hearing. Mr. Cakounes further commented that he has concerns with House Bill 1859 and noted that the public has not had the opportunity to provide input.

Larry Brookhart, Harwich Elementary School teacher and member of the Cape Cod Astronomical Society, reported that the school has been given some very high-end and

sophisticated optical equipment for stargazing that college students are using to do research and the school has acquired grants to put in a science lab for their own students to learn and follow astronomy and science. He noted that the equipment is housed at an observatory built at the Harwich Elementary School. Mr. Brookhart invited the Board to attend tomorrow evening's star party and further asked the Board to keep in mind while they are considering the repurpose of the Middle School that any industrial lighting will greatly hamper the observatory. Chairwoman Cebula stated that Mr. Waystack has taken note and will take that information back to the Middle School Re-Purpose Committee.

## **CONSENT AGENDA**

- Approve Minutes –
- May 13, 2013 Regular Meeting
- May 20, 2013 Regular Meeting
- May 20, 2013 Executive Session
- Vote to approve request for assistance from the Caleb Chase Fund
- Vote to approve Police Department annual appointments
- Vote to approve application for 29<sup>th</sup> annual American Lung Association Autumn Escape Bike Trek for September 28, 2013

Vote to authorize Chair to sign Amendment #4 to Agreement with CDM Smith Inc.

- Vote to pay Treasurer \$107,357.33 in back taxes from Housing Fund for Thankful Chase 2 parcel
- Vote to accept proposal for Tax Title Attorney services from Coppola and Coppola in accordance with Treasurer recommendation
- Vote to approve the recommendation of the Golf Committee to award the contract for architectural services for the cart barn to Brown, Lindquist, Fenuccio & Raber

Vote to approve application for Special One Day Wine & Malt License for Atlantic White Shark Conservancy fundraising event to be held at Cape Cod Beach Chair Company on July 11, 2013 from 5:00 p.m. – 8:30 p.m.

Vote to sign Human Services Grant Management Agreement with Barnstable County and revise allocation amount

Mr. Hughes moved to approve the Consent Agenda with the exception of Item H. Mr. Ballantine seconded the motion. Mr. Merriam requested to hold Item E as well and he and Mr. Ballantine agreed. The motion carried by a unanimous vote.

With regard to Item E, Mr. Merriam noted that we are expecting an updated document. Chairwoman Cebula noted that they would hold that item.

With regard to Item H, Mr. Hughes stated that he was looking for documentation on what constitutes this conceptual plan, for example, a definition of utilities, materials for

construction, and an estimate of what it would cost to move forward to build the building. Mr. Swenson from the architectural firm provided a copy of their proposal to the Board. Mr. Ballantine stated to Mr. Smith that the Board is missing the rating tabulations for the proposals. Mr. Smith responded that they had a select committee review that and it was unanimously voted. Mr. Swenson discussed his firm's history and experience and also described the work to be done. He offered to develop a contract agreement that references their proposal. Mr. Swenson took questions from the Board after with Mr. Hughes moved to approve the recommendation of the Golf Committee to award the contract for the architectural services phase 1 for the cart barn at the golf course to Brown, Lindquist, Fenuccio & Raber with the proviso that to the agreement is added wording that references their proposal submitted and dated April 2013 in the amount of \$27,500 and source of funds is the Capital Improvement Reserve Fund. Mr. McManus seconded the motion and the motion carried by a unanimous vote. Chairwoman Cebula directed Mr. Merriam to provide a new contract for the Board to sign.

#### **PUBLIC HEARINGS/PRESENTATIONS** *(Not earlier than 7:00 P.M.)*

- Public Hearing – Application for a Change of Location for the Annual, Common Victualler, All Alcoholic Beverages License for Kedja, Inc. d/b/a Andale! Café –  
*vote to continue hearing to June 17, 2013 pending vote of Board of Health*

Mr. Hughes read the hearing notice into record. Mr. McManus moved to open the public hearing. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

Chairwoman Cebula noted that the Board of Health will not be meeting until next week so they should continue the hearing until June 17. Attorney Matt Kelley, representing Andale Café, said he was notified of this by the Selectmen's Office and noted that there was a miscommunication that they had to attend the Board of Health hearing that was already held. Chairwoman Cebula said it would be a show of good faith if the applicant provided notification to the abutters that the hearing is being continued. Mr. Kelley provided the proof of abutter notification to the Board. Mr. McManus moved to continue the hearing in the matter of the application for a change of location to the liquor license by Kedja, Inc. d/b/a Andale Café to June 17, 2013 not sooner than 7:00 p.m. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

- Presentation – Wastewater  
Implementation Advisory Committee  
– *Ted Nelson*

Mr. Nelson provided an update (see attached) on the Committee's work, specifically on the progress of the Comprehensive Plan for Wastewater Implementation, and suggested that the Board extend the Committee's deadline to

complete their work until September 30, 2013. Mr. Merriam stressed that we need a regional plan that addresses cost sharing with other communities. Mr. Ballantine moved to extend the deadline for the Committee report to the end of September of this year. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

## **OLD BUSINESS**

- Facilities Maintenance Manager job description – *discussion & possible vote*

Mr. Hughes described the changes that were made and noted that he scaled back from Bachelors Degree to Associates Degree under the “Education” section as he is not sure they will get anyone at the rate they are offering. He suggested that they hand this off now to the Highway Director and Town Administrator to polish it up. Mr. LaMantia moved to bless this and move it forward. Mr. Ballantine seconded the motion. Mr. McManus stated that there needs to be a conference with the Highway Department’s union. The motion carried by a unanimous vote.

- Approve ADA crosswalk and community ballfield path – *discussion & possible vote*

Mr. Merriam stated that we have had input from the state’s disability right’s consultant as to what is an acceptable slope with raised warning areas and we will comply with the ADA and try to make it as pleasing as possible for historic purposes. He said the intent is to take the midblock in front of library center door down to Oak Street and add one inch or so of material to make it more compact particularly for

wheelchairs. He said the grinding stones will be relocated to get them out of sloped areas and Historical Committee Chairman Bob Bradley has been asked to assist. Mr. Ballantine moved to accept these plans. Mr. Hughes seconded the motion and the motion carried by a 4-1-0 vote with Mr. McManus in opposition.

- Letter of financial commitment regarding Muddy Creek Bridge Restoration Grant Application – *discussion & possible vote*

Ms. Ridley stated that as part of the grant package for the Muddy Creek bridge restoration, each contributing entity to the project is required to submit a letter of financial commitment. She highlighted her draft letter (see attached). Mr. McManus moved to approve the letter as presented and authorize the Chairman to sign it with the proviso that before it has to be sent in if the figure on the Town share climbs substantially we would like to know that before it is sent in. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote. Chairwoman Cebula asked Ms. Ridley to bring in the letter when it is final.

- Contingencies on award of the \$139,500 to Habitat for Humanity – *discussion & possible vote*

Chairwoman Cebula read the minutes from April 22, 2013 which indicated that there were no contingencies put on this award of funds to Habitat for Humanity. She asked if the Board wanted to put any contingencies on the proposal. Mr. McManus said the obvious contingency is if the project doesn't go ahead and no affordable housing is created we expect the funds to be returned to

the Town. Leedara Zola, Director of Land Acquisition Permitting for Habitat, said that at this point they have achieved the outcome by purchasing the land and that is what they were funded for. She stated that some towns have granted them funds contingent on them being fully permitted and that is one way to do it but at this point they have a purchase and sale agreement. Mr. McManus asked what Habitat would do with land that they can't build a project on and Ms. Zola responded that she does not have experience with that as their projects have been successful. Ms. Goldsmith of Habitat stated that it is problematic to have the contingency added after the award has been made. Mr. McManus asked if the project didn't go forward would the Town be made whole and Ms. Goldsmith responded there would have to be some good faith to do so. Mr. Cakounes suggested that in the future there be some set grant language in the event a project doesn't go forward. The Board then took questions and comments from the abutters.

## **NEW BUSINESS**

- Authorize the Town Administrator and Conservation Commission to file LAND

grant application, authorize Town Administrator to serve as Project Manager, and approve Compact Purchase & Sale Agreement – *discussion & possible vote*

Mr. McManus moved to authorize the Town Administrator and the Conservation Commission to prepare and submit applications to the Commonwealth of Massachusetts' Division of Conservation Services reimbursement programs, including

the LAND (formerly Self-Help) and/or Land and Water Conservation Fund programs, for the FY14 grant round, for the acquisition of a parcel of land identified on Assessor's Map 27, Lot E-1, Harwich, Massachusetts, containing 6.5 acres, more or less.

And further, to authorize the Town Administrator to sign any contracts and provide any legal assurances and understandings to the Commonwealth regarding said applications and awards, and to serve as the Project Manager and primary local contact on matters relating to communications with the Division of Conservation Services regarding these applications, on behalf of the Town of Harwich, and that his signature shall bind the Town regarding the intent of said documents.

Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

- Request by Building Commissioner to increase Inspectors' compensation and office

hours – *discussion & possible vote*

At Mr. Larsen's recommendation, Mr. McManus moved that we approve of setting the rates of PT7 inspection rate be increased to \$32 effective July 1 and to include the Part-Time Building Inspector and the Alternate Plumbing, Gas and Wiring Inspector. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

- Intermunicipal Agreement with

Brewster for the Provision of Water  
Service –  
*discussion & possible vote*

Chairwoman Cebula reported that Brewster's attorney has requested to review this again so the Board will not be voting on it tonight. Water Commissioner Allin Thompson explained that Wayside Road is on the border of Harwich and Brewster and Brewster already has a water main there to service their residents on the road and this agreement would allow the Harwich residents to connect to the Brewster water main, pay the bill to Brewster and have fire protection from Brewster. He said that if the customer doesn't pay, then Brewster will bill Harwich, Harwich will pay and then lien the property. Chairwoman Cebula said the agreement doesn't read that way and Mr. Thompson said he would get clarification.

- Appoint member to the Board of Registrars

Mr. McManus moved to nominate Susan J. Mills to be appointed a member of the Board of Registrars. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

- Vote to set date for Public Hearing for new ambulance rates –  
*discussion & possible vote to waive policy on changing fees and/or set date a hearing date*

Ms. McIsaac reported that there is a shortfall in ambulance revenues and she has been working with the Fire Chief to prepare an RFP. She attributed the shortfall to factors such as transporting numerous uninsured patients or patients who are only covered by Medicare and Medicaid. She noted that in



the state's budget, Section 92 removes the authority of local communities to set ambulance rates and she fears we may be frozen at the current low rates. She noted that the Fire Chiefs are trying to have this section removed. After discussion, Mr. McManus moved to waive our policy on notification on having hearings on fee increases. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote. Mr. McManus moved to set June 24<sup>th</sup> as the date for having a hearing on ambulance fees and that Town staff be directed to place notification in appropriate local papers and as soon as possible, post it on our website and post it at other areas around Town as appropriate. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

## **TOWN ADMINISTRATOR'S REPORT**

Mr. Merriam delivered the following report to the Board:

I have great news.~ Route 137 is complete for~the Memorial Day~weekend.~ The thermo lines were completed yesterday, the traffic signals are up and running and the road and sidewalks~have had a final sweeping.~ During the torrential rains last night I took a drive down Route 137 and there were no puddles,~indicating that~all of the catch basins were functioning~as designed.~ There are a few small~punch list items to be done next week including removal of the tree protection, removal of hay bails and silt fence, the~R&R of two ADA ramps that didn't come out right and some minor hydroseeding that was cancelled today because of the rain.~~

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I know I sound like a broken~record, but Lawrence Lynch Corp. (Chris Lynch (owner), Bill Foster (superintendent), Joe~Oliveira (paving manager) and their employees)~have~done a spectacular~job and exceeded every expectation I had~on this project.~ Their professionalism, attention~to detail and ability to adapt to changing conditions as well as their responsiveness to residents,~abutters and town officials have~all contributed to~a smooth and successful project.~~They all deserve a huge thank you from the Town of Harwich.~~

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I would be remiss if I did not~thank Tom Ockerbloom, MassDot Senior Engineer who was in~charge of the project, for his commitment~to~it,~ his professionalism and responsiveness to the Town's needs.~ It has been a pleasure working with Mr. Ockerbloom~and his staff.~In fact, all MassDOT personnel have been incredibly cooperative during this entire project, from~inception through construction.~~

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Given that this project was completed on time and~within budget and~looks great, I would like to request that the Board of Selectmen formally~thank the~people~I've named that have made the Route 137 TIP project successful.~ ~ ~~~

~

Lincoln Hooper, Director

Solar panels for cruisers

Chief Mason,

I am working with our solar panel manufacturer to see if we can develop a panel to go on the Interceptor model.~ It will take about 10 days to see if it is feasible.~ In

the meantime I am also working on a configuration for the Crown Vic, I know that will have enough room for solar cells.

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Thank you for your time last week.

~

Bob Doane  
VP Technology & CTO

Monomoy High School Grounds  
Maintenance

A meeting was held between Golf Committee members and Dennis Hoyer with Monomoy School Business Manager and Maintenance Manager and myself. We're exploring whether the Cranberry Valley staff could provide grounds maintenance after the new high is completed.

Artificial Reef update

Just an FYI on the status of the Artificial Reef project.~ Mark Rousseau, MA Division of Marine Fisheries, has already submitted the required Chapter 91 license and ACOE permit... approval pending.~ No action required on my part at this time.~ v/r,

John C. Rendon  
Harbormaster

## **SELECTMEN'S REPORT**

- Summer Schedule – *discussion & possible vote*

The Board agreed that the proposed summer schedule was acceptable with the change that they would meet on June 24<sup>th</sup>.

- Interim Town Administrator Update  
– *discussion & possible vote*

Chairwoman Cebula reported that two

people had put forth interest in the position of Interim Town Administrator, Steve Lombard and Bob Lawton. She reported that Mr. Lombard had taken a job in another town and that Mr. Lawton, retired Yarmouth Town Administrator, is interested in serving three days a week. Mr. LaMantia said he would like the opportunity to meet Mr. Lawton but said they shouldn't appoint anyone until they get a report from the Search Committee on June 17<sup>th</sup>. Chairwoman Cebula agreed to contact Mr. Lawton and ask him to come in next Monday.

C. Nomination and election of the Board members to the following positions:

Chair

Vice Chair

Clerk of the Board

Interview and Appointments Committee (2 members)

Mr. Ballantine nominated Mr. LaMantia for Chairman. Mr. McManus seconded the motion. Chairwoman Cebula nominated Mr. Hughes for Chair. Mr. Ballantine seconded the motion. Mr. Ballantine stated that with Mr. Hughes' travel schedule he would be more comfortable with Mr. LaMantia as Chair. Chairwoman Cebula said she nominated Mr. Hughes as he has not been Chair this term and Mr. Hughes stated that he had been Chair twice before. Mr. Hughes agreed that it is not the same, even with Skype, and he would support Mr. LaMantia as Chair if he is willing. Chairwoman Cebula withdrew her motion and Mr. Ballantine withdrew his second. The motion carried by a unanimous vote.

Mr. Hughes moved to nominate Mr. McManus for Vice Chairman. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

Mr. McManus moved to nominate Mr. Hughes for Clerk of the Board. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

Mr. Hughes moved to nominate Mr. Ballantine and Ms. Cebula for the Interview and Appointments Committee. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

## **ADJOURNMENT**

Mr. Hughes moved to adjourn at 9:50 p.m. The motion was not seconded and the meeting adjourned.

Respectfully submitted,

Ann Steidel  
Recording Secretary