

Board of Selectmen Minutes

07/09/2012

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, JULY 9, 2012
7:00 P.M.**

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

OTHERS PRESENT: Town Administrator James Merriam, David Spitz, Atty. Joseph Cavanaugh, Matt McCaffery, Carole Ridley, Alan Atkinson, David Whitcomb, Joanne Rys, Jack Brown, and others.

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

CONSENT AGENDA

- A. Approve minutes:
 - 1. June 25, 2012 Executive Session
 - 2. July 2, 2012 Regular Meeting
- B. Vote committee appointments
- C. Vote to authorize Fire Chief to sign contract with Barnstable County to provide CMED services to the Harwich Fire Department
- D. Vote to release 2004 Executive Session minutes as recommended

Mr. Hughes moved approval of the Consent Agenda but asked to hold Item B. Mr. McManus seconded the motion and the motion carried by a unanimous vote. Mr. Hughes noted that he would be recusing himself on Item B. Mr. Ballantine moved to accept the committee recommendations from the Interview and Nominations Committee - those recommendations are Larry Cole as representative to the CVEC to complete the remainder of the term vacated by Barry Worth, Jeff Williams for the Golf Committee for a three year term, Jeremy Gingras to Brooks Academy Museum Commission for a three year term. Mr. McManus seconded the motion and the motion carried by a 4-0 vote.

PUBLIC HEARINGS/PRESENTATIONS (7:00 P.M.)

- East Harwich Village Update – *report from Planning Board / questions &*

comments

Mr. McCaffery, Planning Board Chair, made the following statement:

We are here tonight to update you on our work to re-zone the East Harwich Commercial District. I will make some brief remarks for context then defer to Mr. Spitz, the Harwich Town Planner, who will describe the vision of the Planning Board in greater detail. Some 40 years ago Harwich made an important and forward looking decision. They zoned an area at the intersection of Rtes. 137 and 39, roughly 1000 feet in four directions, for certain commercial purposes.

The Commercial District provides, to this day, a centralized home for employers with taxpaying businesses. If these facilities were located throughout all of Harwich, it would impair the ambiance of town. Without the Commercial District, it is likely that many would be located in other towns, to the detriment of Harwich.

For your data banks, 30% of the Commercial District, roughly 30 acres, is undeveloped land. By undeveloped, we mean the parcels with no structures at all, plus large empty areas on developed parcels, that are big to be further sub-divided.

Of late there is a call to re-examine the zoning of the Commercial District for the purpose of allowing a “mixed use village.” The Planning Board has embraced this concept. It is also a good time to modernize design standards for new development within the district. Tonight we share our recommendations as to how Harwich can best satisfy the appetites of residents, property owners and developers, and of those who wish to live, work, shop and recreate in the Town of Harwich.

Several principles guide our thinking:

- Economic development, as stated in the Local Comprehensive Plan and adopted by Town Meeting, is a key priority in Harwich.
- Our Commercial District represents some of the largest areas of commercially zoned land east of Hyannis. Harwich benefits from the wisdom of the original planners who created this precious asset. Beyond modernizing design standards, modifications to the zoning of the District, should be undertaken only for compelling reasons.
- Zoning a particular space, for a particular use, does not insure that anyone will actually risk the capital needed to realize that use. As a hyperbolic illustration, zoning Harwich Center to enable an airport does not mean start hiring baggage handlers. Many complicated factors guide investment decisions. Zoning the best place for the desired use greatly facilitates development. Zoning a wrong space precludes it.

Given these tenets, the Planning Board approached re-zoning so that the opportunity and likelihood for development is optimized. We advocate “enabling” use as the preferred technique for adding value to the town. In order to retain the unique and valuable

Commercial nature of the District, and to best encourage investment in a mixed use village, the Planning Board suggests three significant modifications to today's zoning.

- Increase the allowable number of residential units per acre within the entire District.
- Re-zone some land immediately adjacent to, but outside of the Northwest quadrant of the District, to allow high density residential housing to be designed and constructed on a "blank slate."
- Designate a "transition zone" to facilitate the location of businesses most appropriate to village or neighborhood needs versus regional needs. Café versus auto parts, for example.

Your Planning Board, guided by Harwich history, modern planning techniques, and a desire to do right by every Harwich resident, current and future, has crafted an outline for such zoning.

Mr. McCaffery introduced Mr. Spitz, Town Planner, who provided the attached Power Point presentation and took questions and comments from the Board.

It was the consensus of the Board to allow Carol Ridley to provide a Power Point presentation (see attached) as well for informational purposes which she commented would clarify some of the inaccurate statements made about the Collaborative's proposal and also respond directly to the differences to the 2 approaches. Mr. McCaffery objected and commented that it would be inappropriate.

Paul Kozar of Maple Street thanked Chairwoman Cebula for having the courage to allow Mrs. Ridley to speak and present an alternative view. Alan Atkinson stressed that the Planning Board is the forum for this.

Mr. McManus stated that it is his belief that rezoning issues and changing of the Town plan is a public policy discussion, and it is not a function of the Planning Board where they have a jurist prudence position. He said it is a full on public policy debate and the Planning Board is advisory on these types of issues. He noted that it is the Board of Selectmen's responsibility to make the determination on what articles go to Town Meeting and there is a role for the Board of Selectmen as a group to participate in this debate. He commented that there seems to be an effort to say that our participation is limited to those who want to come to the Planning Board meetings. He stated that if there is an article that he doesn't feel is in the best interest of the Town he is not voting for it.

Chairwoman Cebula stated that this process will go through the Planning Board and they will come up with a proposal and we will see where we go from there.

OLD BUSINESS

- Crowell Barn – *discussion*

Mr. Merriam stated there has been some research with regard to prior Town Meeting votes. He stated that one of the first votes was to leave the area in its natural state and the question was do subsequent articles that voted appropriations and the specific move of the Crowell Barn to that site supersede the first vote to leave it in its natural state. He said we have opinions of Town Counsel that there is one more subsequent vote that is necessary and the easiest way to handle it is if the Museum Commission were to vote to declare the property as surplus and that would suffice in order to move forward with the intended article.

Mr. McManus said he read the legal opinion and until it was brought to his attention it was never known to him that those parcels of land were under the jurisdiction of the Brooks Academy Museum Commission nor that there had there been a previous use designated. He said that he doesn't believe any of them knew that nor did they word the article that it pointed out that there had been a previous use designated by Town Meeting. He suggested placing this on the upcoming Special Town Meeting to have this done adequately. Mr. LaMantia urged that Mr. Merriam provide a list of who has jurisdiction over all Town properties.

Mr. McManus said there is a lot that can go on in the meantime that is not dependent on clearing the property such as putting out the RFP for design services. Mr. Merriam stated that we are scheduled to clear the property tomorrow and Mr. McManus stated that there is no authorization to do anything in the area of removing trees as the Board just voted to brush it out and remove the downed limbs.

Mr. McManus moved to ask staff to prepare an article to specifically transfer the land from its previous use as decided by Town Meeting in 1996 to the intended the use of building the Crowell Barn. Mr. LaMantia seconded the motion and the motion carried by a 4-1 vote with Mr. Hughes in opposition.

Mr. McManus moved to direct staff to look into putting together a listing of Town properties and their assigned uses by October 15th. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

Mr. Hughes moved to request the Brooks Academy Museum Commission take the appropriate action they need to make this legal. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

- Review of Cape Cod Claddagh outside entertainment temporary license –

discussion and possible vote

Mr. McManus moved to extend the Claddagh's license under the existing conditions through Columbus Day. Mr. Ballantine seconded the motion. Mr. McManus said this is based on the report of the Police Chief who indicated there have been no issues.

Mr. Cavanaugh noted there have been no complaints from any of his clients and it doesn't appear that the Claddagh has had any entertainment since he was last here. He suggested repeating the 45 day period which would bring it to August 23. Mr. Ballantine said he would rather stick with the original motion.

The motion carried by a unanimous vote.

- High School construction project – *discussion/possible vote*

Mr. McManus read a letter from Allin Thompson (see attached). The Board took comments from Mr. Wiegman who said that Mr. McManus should recuse himself on this item as it is a conflict of interest. He also stressed that if the project is turned down there should be a Plan B. The Board discussed construction costs with Superintendent Cragin who outlined the distinction between where we are in the design process and the costs that are involved in the estimate at this point versus where we will be as the design process moves forward and those numbers become more concrete and as a result smaller.

Mr. Brown delivered the following statement on the history of the project:

You will recall that beginning in the Fall of 2007, over twenty fellow citizens came together in the High School Building Needs Committee, charged with determining what course of action should be taken with our 50-year old high school. This effort was particularly important as we were on notice from the State that decertification was a possibility given the condition of the facility.

This committee labored for some 21 months to examine options, from minor upgrades to major rehabilitation to outright demolition and subsequent building of a new high school more suitable for the 21st century's challenges. After much study, we concluded a new high school was the best solution, educationally and financially.

During the study phase, we discussed our situation and funding options with the Mass. School Building Authority. It was made clear to us that school construction funding aid was available IF we were to regionalize with a local system. As you know, this Committee suggested we consider regionalizing with Chatham.

Subsequently, the two towns, in separate Town Meetings, agreed to explore regionalization and the Chatham-Harwich Regional School District Planning Board was created. Six members from each community, along with the two Superintendents, and other key staff members began to investigate the pros and cons of regionalization – and the many inter-related aspects of such a joint venture. Vitaly, all this was done with the Committee's focus on providing our children a quality education. This exhaustive process took about 14 months.

As you will recall, the Committee unanimously recommended to both Towns that we regionalize. We Said to the citizens: This proposal is “a visionary, and practical and affordable, proposal with a top-notch educational plan, one full of educational, extra-curricular and athletic opportunities.” You agreed-indeed, nearly unanimously in Harwich.

At Special Town Meetings in early December, 2010 both towns voted to regionalize. This set in motion a number of actions:

- 1) Each Town's School Committee selected its four appointees to the Interim Regional District School Committee (IRDSC);
- 2) The MSBA got more deeply involved;
- 3) A Regional School Building Committee was appointed;
- 4) Transition money from the state was procured;
- 5) Citizens from each town were elected in May, 2011 to the new Regional School Committee;
- 6) The Interim Regional District School Committee assigned groups to work curricula, selected the new regional school district name, teams' name, and logo, using extensive Interim Regional District School Committee student and community input.; and
- 7) On July 1, the town towns' school committees went out of business, and the Monomoy Regional School Committee took over.
- 8) The proposed High School building costs were determined and will be voted on at the Two Towns' special town meetings in late August

The two towns' upcoming STM votes and the subsequent Prop 2&1/2 Debt Exclusion votes are key -indeed essential - actions on this journey. Assuming we both OK the proposed article at the STM and at the ballot box, we will be getting a \$65.2 million high school that will actually cost Harwich under \$25.5 million after the \$28-to -\$29.7 million max million in state matching funds. The match is allocated from the state sales tax all us have paid for years and years. We've paid in already, now we are going to benefit from those sales taxes raised state-wide. These are designated funds for our high school.

Importantly, with today's record low interest rates, the Town's strong bond rating, and the great work done in managing the Town's debt load over the past several years in anticipation of this project and the expected wastewater project, Harwich is nicely

positioned to take on the school building debt. Further, the impact on our tax bills is pretty reasonable: the tax impact to Harwich is estimated by officials to be \$166 a year for the median home (assessed at \$350K) in the year the debt payments begin and end up at \$102 at the final 20th year.

We will have a high school that meets the needs of our 21st century students, that will enable added offerings, an ever-more challenging curriculum, classrooms, modern science and computer labs, fine and performing arts facilities, exercise and athletics facilities – all at a cost far less than had we gone our own way. In fact, you may recall that Harwich’s capital plan, just 2 or 3 years ago, carried our cost for the new school at \$40 million.

This is a once-in-50 years opportunity to build a high school capable of preparing our communities’ children for the challenges they will face over the coming decades. It is a modern, flexible, carefully thought out school design which builds on others’ experiences. By making use of the Model School design, and energy-efficient utilities design, we also get a significant match from the MSBA. All-in-all a pretty darned good deal for Harwich. I respectfully ask each of you, our elected Selectmen, and of course, our voting citizens, to back this proposal.

Net, the Board believes that it has a visionary, and practical and affordable, proposal with a top-notch educational plan, one full of educational, extra-curricular and athletic opportunities; a sound and vetted financial projection; a new high school in Harwich and a re-purposed and reconfigured middle school in Chatham. A unique and important recommendation for both Towns’ students and the communities.

Mr. Whitcomb, Co-Chair of the Monomoy Regional School Committee, pointed out that this is a budget project and we won’t know what the numbers truly are until it goes out to bid. He noted that MSBA wants to see an affirmation from the community for the money that is allotted to them before we move forward.

Mr. Houston urged more availability of information, education on this issue, public forums etc. Chairwoman Cebula said we will need a handout with the numbers.

The Board discussed the possibility of having a joint meeting with the Finance Committee on July 23. No vote was taken.

- Status on Monomoy Regional School District lease – *discussion*
The Board took no action on this item and indicated they are waiting for a new draft.
- Vote to open the Special Town Meeting Warrant on July 10 at 8:30 a.m. and close

it on July 11 at 4:00 p.m.

Mr. Hughes moved to open the Special Town Meeting Warrant on July 10 at 8:30 a.m. and close it on July 11 at 4:00 p.m. Mr. Ballantine seconded the motion. Mr. McManus moved to amend the motion to close the warrant on the 13th. The motion was not seconded. Mr. Widegren noted that the School Committee meets tomorrow and the Building Committee meets the following night so it would be an advantage to stay open until both committees have had a chance to vote. Mr. Hughes withdrew his motion and Mr. Ballantine withdrew his second.

Mr. McManus moved to open the Special Town Meeting Warrant on July 11 at 8:30 a.m. and close it on July 13 at 12:00 p.m. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

- Board of Selectmen's Liquor License Regulations Section 1.19 – Permission to Close Premises Required; Non-Use of Licenses – *discussion/possible vote to hold a Public Hearing on August 20, 2012 – report by Selectmen Ballantine and LaMantia*

Mr. Ballantine said he met with Mr. LaMantia and they are suggesting that we go back and look at our local policy and possibly be a little more specific, something to the extent that seasonal licensees be open a minimum of 5 months unless they are directed otherwise by another board. He noted that the fee should be standard regardless of the number of months they are open. Mr. Ballantine said he would draft new policy language for the Board.

NEW BUSINESS

- Request by HECH for \$5,000 from the Affordable Housing Fund to cover additional site work costs related to 7 Old Campground Road – *vote to approve*

Mr. Hughes moved to support the request. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

TOWN ADMINISTRATOR'S REPORT

Mr. Merriam delivered the following report to the Board:

Monomoy High School Budget submitted to MSBA

The attached file is the MRHS Total Project Budget that was approved by the MRSC and submitted to MSBA on June 22.

Carolyn M. Cragin, Ed.D.

Superintendent

Supt. Cragin has provided the following information relative to the Monomoy High School project for your review:

- MSBA Project Scope and Budget Rate Certification
- Total Project Budget
- MSBA Enrollment Projection Test
- Comparison of Ashland High School and Monomoy Regional High School
- Cape Cod Five Principal and Interest projections

a) current market rates, b) 67.2% of project bonded 9/14, c) 32.8% of project bonded 9/15; d) Chatham's 28% bonded cost of \$9,936,068 with current market, 67.2% bonded in 9/14 and 32.8% bonded in 9/15; and same with Harwich for a total of local bonded share of \$25,549,890 with current rates, 67.2% bonded in 9/14 and 32.8% bonded in 9/15.

Brain Widegren, Chair of the MRSD Board, has asked me to compile a list of questions people are asking you about the MRSD High School Building project. Please note every time the subject comes up at the office or anywhere. We are trying to put together a Q & A for a public meeting in late July. Please "e" mail any questions you may have or any questions you are asking.

David R.

Monomoy High School Project

As you know, the Finance Team updates the 5 year plan during the summer months in preparation for the Capital Plan. With the Monomoy TM vote coming in August, I've asked that the Levy limits and Debt schedule be updated for your review. Please see attached and note that we have added the FY 13 990k General Override and the 150k Capital exclusion for dredging, plus the FY 14 Allen Harbor dredging debt and the proposed Monomoy debt starting in FY 16. Given the proposed debt and levy schedules, we urge the Board not to fund the Route 124 design project or supplement the Comprehensive Wastewater Management plan with additional general fund debt at this town meeting. We could fund the Rt 124 project with Chapter 90 funds.

Harwich School Committee gathering

Selectman Angelo LaMantia and I attended the School Committee celebration of an end of an era at Wychmere on June 27th. Angelo read a proclamation from the Board to honor all those members of the community who have served on the School Committee.

Community Center

Veevy Strekolosky and Mike Kim joined Carolyn Carey and me to accept input on ideas for space allocation and expansion. Much of the discussion centered around teen space, pools, and intergenerational activities.

Solar- Landfill project update

ACE has completed all of the necessary NSTAR applications.~ Their investment, so far, in bringing Harwich's project~to reality is significant with more than \$150,000 expended in consulting fees alone.~

~

During this spring's~series of Impact Study presentations, NSTAR's Joe Feraci stated that the subsequent Work Order~Phase will take at least 4 months.~ With Joe's advice, the ACE / CVEC~Status Tracking Log conveys an estimated completion date (for receipt of the tie-in cost)~of 8/30/12.

~

Using Edgartown's Nunnepog PV project as a guide, 4 months might be a minimum; as that Work Order Phase is now projected to be~finished in early August - 6 months.

~

ACE's Correspondence~with NSTAR occurs on a weekly basis; as they have over 20 other projects experiencing challenges similar to Harwich.

~

With ACE's Eric McLean's~ assurance, we'll notify you promptly as information develops.

~

Ron Collins

Cape & Vineyard Electric Cooperative, Inc. ("CVEC")

Mr. Merriam,

~

I'm not sure which project you are speaking of because you didn't include the assigned~ID# so I can only assume you are speaking of ID 1913 & 1914.

~

I don't know if your engineer has contacted our New customer Connects Dept to start a work order to design the service to this installation.~ At this point, I would say that it is months before this is completed.~ Please call your engineer that is working on this for you and he can tell you better.

~

Joseph V. Feraci, Jr.

Interconnection Program Manager

NSTAR Electric

Thompson Field dog incidents –last 5 years

According to Police department Records, here is the information regarding the past five (5) years of dog activity at Thompson's Field that totaled 15 calls~for service~(average of 3 calls per year):

Loose Dogs:

7

Dogs Attacking/Biting Dogs:

3 (one died from the injuries)

Dog Attack – No Bite:

1

Dog Attacking/Biting Humans:

2

Aggressive Dog:

1

Property Damage by Dog:

1

Please let me know if you need further information. ~Thanks.

William A. Mason, Chief
Harwich Police Department

Recreation Commission Chair/ Vice Chair

I just wanted to give you an update on the Recreation Commission re-org.~ They kept it the way it was with John Mahan as Chair and Frank Crowley as vice-chair.~

Eric

Cranberry Valley Golf Course

Dennis Hoyer provided me with a copy of a CV video promo by Golf Destinations, which has been added to the CV website.

Attached is the update menu by Back Nine Café which was added to website and a letter to members signed by Back Nine, Golf Committee Chair Clem Smith, Director Dennis Hoyer and me explaining the lease contract amendments.

Regional Bike Committee CCC

I've asked Dave Spitz to represent Town on this regional bike planning Committee.

Crowell Barn –use of property legal opinion

In my opinion, the property at 0 Forest Street (identified on Assessors Map 40 as Parcel J7), on which the Crowell Barn is to be located (the "Property"), is not subject to Article 97 of the Massachusetts Constitution.~ Article 97 applies only to land that is originally acquired or taken for one of the Article 97 purposes.~ Here, since the Town acquired the Property for "future parking space or other municipal uses" (as stated under Article 49 of the 1979 ATM) – purposes that are not protected under Article 97 – the provisions of Article 97 do not apply.

In 1989, Town Meeting voted under Article 26 to transfer the custody of the Property and

another parcel to the Brooks Academy Museum Commission, “providing that the 2 parcels of land remain in their natural state as open land.”~ In my opinion, Town Meeting, by this vote, transferred the custody of the Property to the Museum Commission and transferred/dedicated the Property to open space purposes.~ The Commission could not, under this vote, place or construct a building on the Property.

However, the Town could change the use of the Property under GL c. 40, §15A.~ Section 15A sets forth two steps that must be taken to change the use of the Property from one specific use (that is, from open space purposes) to another use (that is, for a purpose that allows the Barn to be located thereon).~ One, the Museum Commission, which has custody of the Property, must make a determination that the Property is no longer needed for open space purposes or is no longer needed solely for open space purposes.~ Two, Town Meeting must vote, by a two-thirds vote, to transfer the custody of the Property from the Museum Commission a different board or to the Museum Commission for the new purpose.~ The determination of the Museum Commission, declaring that the Property is no longer required for open space purposes, can take place either before or after the Town Meeting vote.

In my opinion, one of the two steps has been taken.~ The motion under Article 45 of the 2012 ATM approved the use of CPA funds to move the Barn.~ Although the primary purpose of this Article was to appropriate CPA funds, the Article, in specifically stating that the Barn is to be moved onto the Property, could be interpreted to transfer the Property from the Museum Commission for open space purposes to the Museum Commission for the purpose of housing the Barn, particularly since the Article 45 passed by a unanimous vote (more than the 2/3rds vote required under GL c. 40, §15A).~

However, to complete the change in the use of the Property, the Museum Commission needs to vote that it no longer requires the Property for open space purposes. If the Museum Commission does not make a determination, it is my opinion that Town Meeting could vote, by a majority vote, to file a home rule petition with the state legislature to effectuate the change in use.

Note, as an aside, that the 2012 vote could be interpreted narrowly, to allow only the placement of the historic Barn on the Property, or broadly, to allow buildings and other structures to be placed thereon.~ If the Selectmen wish to prohibit any other building from being placed or constructed on the Property, I recommend that Town Meeting vote anew to clearly state the purposes for which the Property is held and may be used.

Please contact me if you have any further questions.

Shirin

Shirin Everett, Esq.
Kopelman~and Paige, P.C.

In 1989, the Town placed the custody of the Property with the Museum Commission for open space purposes.~ For the 1996 vote to result in a change in the use or custody of the Property, the Museum Commission should have voted, under GL c. 40, s. 15A, that the Commission no longer required the Property for open space purposes or at all.~ The Commission's vote, together with the 1996 vote, would have effectuated the change.

Assuming that the Museum Commission did not so vote, it is my opinion that the 1996 vote did not change the use of the Property or the board/officer having custody of the Property, and my opinion is unchanged.

Shirin Everett, Esq.
Kopelman~and Paige, P.C.

Further to Shirin's response, if the 1996 vote was an appropriation vote that was contingent on a proposition 2 and ½ ballot vote, and the question failed at the election, the town meeting vote became null and void.

John

STM Warrant

Attached is a copy of a draft warrant for your review. Given the 7/10 date for the Monomoy Regional School Committee vote, we propose that the Warrant open on 7/10 and close on 7/11, and that you hold a Special Selectmen's meeting on July 16th to vote to sign the warrant. The FinCom is scheduled to meet on 7/12 to vote on money articles. We will still be required to identify revenue sources to fund these articles.

Contract Employees

Police Chief William Mason and Finance Director David Ryan contracts expired on June 30th. I will provide you with performance reviews to assist with your deliberation.

OpenCape update

OpenCape is moving into its permanent offices! The OpenCape Regional Collocation Center general renovation is nearly complete. OpenCape is moving into its offices in the renovated building. Thanks to the generosity of the Cape Cod Commission we have been occupying space in their building for nearly two years. Thank you to Paul Niedzwiecki and his entire staff for their hospitality.

We have installed nearly 100 miles of fiber – to include the vertical lift railroad bridge

across the Cape Cod Canal!

This Newsletter will provide you with more detailed information about the status of the project. We appreciate your continued support and involvement and hope to keep you informed as we continue moving forward toward on time and on budget completion of the project.

Dan Gallagher, CEO

Fiber Optic Network Construction

The first of two crossings of the Cape Cod Canal was completed this week. Two 288 strand fiber cables were attached to the Army Corps of Engineers' vertical lift rail road bridge at the south end of the Canal from Buzzards Bay to Bourne, MA. Rope access technicians attached the cable to bridge abutments and laid it within catenary trays on either side of the bridge. Observing this work underway by technicians high above the waters of the Cape Cod Canal was thrilling.

OpenCape has received necessary authorizations from the Army Corps of Engineers and Verizon New England has prepared space within an existing conduit of the Sagamore Bridge for the placement of OpenCape's fiber in the near term, thus concluding the second crossing of the Cape Cod Canal.

OpenCape has installed nearly 100 miles of aerial backbone fiber optic cable to date. We hope to build an additional 125 miles of backbone fiber during the summer. Because the Massachusetts Department of Transportation does not permit work on roads under their jurisdiction between Memorial Day and Labor Day on Cape Cod the bulk of our summer work will be off Cape from Plympton, MA to the Cape Cod Canal, and from the Canal to Fall River, MA. We will complete some isolated sections of backbone where work can proceed on Cape Cod without disrupting heavy summer traffic. Lateral construction will begin to Community Anchor Institutions and laterals to towers that will host the microwave public safety backup system will also be constructed during the summer.

Underground components of the project include leasing existing Verizon conduit and installing new conduit in the existing right of way. Over 50% of all Verizon conduit licenses have been received and the remainder are in the latter stages of make ready prior to licensing. New construction and placement of conduit is underway, with over 50% of all new conduit placements complete.

Microwave Public Safety Backup System and 700Mhz Mobile Public Safety System

OpenCape has received five of the eleven licenses it requires for implementation of the Microwave Public Safety Backup System. Receipt of the remaining required licenses from Truro, Orleans, Harwich, Yarmouth, Cotuit, and Falmouth is anticipated in the short term. Once licenses are received the civil engineering begins for each site to support filing of special permits with town planning boards. Simultaneously a study is completed to ensure the frequencies to be used by OpenCape will not conflict with any other radios in the area. This process results in a Federal Communications Commission (FCC) license for the frequency that OpenCape will use on each tower.

OpenCape is preparing each tower site to host a 700Mhz mobile public safety system in the future. In February, President Obama signed legislation that creates the First Responder Network Authority, or FirstNet, within the National Telecommunications Information Agency (NTIA) to oversee the establishment of a nationwide, interoperable public safety broadband network. The legislation also allocated \$7 billion to building the system. Barnstable County, in conjunction with local chiefs of police and fire, is working closely with the Executive Office of Public Safety and Security (EOPSS) to ensure that Cape Cod is one of the first communities to receive a 700Mhz implementation.

Regional Collocation Center

The development of the OpenCape Regional Collocation Center has two components. The first is the general renovation of the building to current building codes. The second is to construct a Collocation Data Center on the ground floor of the building.

OpenCape's construction management contractor, Stateside Construction, has nearly completed the general renovation of the Regional Collocation Center. OpenCape will occupy its offices on the first floor this week. The Barnstable County Strategic Information Office will occupy the second floor by August 1, 2012. We are very excited about the potential for the Strategic Information Office and OpenCape to work collaboratively in developing aggregated services and shared applications for local governments and school districts using the Municipal Regional Area Network that OpenCape is creating for the communities of Cape Cod and the Islands.

The ground floor level data center construction is continuing as the space is prepared, electrical power upgraded, generator procured, etc. IBM provided support to OpenCape in the engineering and design of the Data Center. OpenCape issued an RFP for the construction and operation of the Data Center for which responses are due by July 20, 2012. Installation of chilled water systems, power distribution units, and racks will follow the selection of one of the RFP respondents.

Community Outreach

The SmarterCape Summit II in May, 2012 was a tremendous success with 500 registered participants. The SmarterCape Partnership of the Cape Cod Chamber of Commerce, Cape Cod Commission, Cape Cod Technology Council, Cape Cod Economic Development Council, and OpenCape Corporation shaped an event focused on action with exceptional speakers and working sessions that were productive in moving the SmarterCape Vision forward. The leaders of the Partnership continue to meet weekly to further advance this concept.

The SmarterCape Partnership played a key role in the award of a Community Innovation Challenge (CIC) grant of \$500,000 from the Massachusetts Executive Office for Administration and Finance for a proposed regional Permit, Licensing, and Inspection project. The digital regionalization project will establish an automated system for all towns to issue municipal permits, licenses, and inspection services on Cape Cod and Nantucket to reduce costs and improve customer service. The funded project is part of the larger "SmarterCape Initiative" to advance economic development and government efficiency through technological innovation.

The SmarterCape Partnership is preparing a summer marketing campaign to communicate to our part-year residents and visitors the many positive actions our community is taking to advance further its culture of creativity and spirit of entrepreneurship. We are an energized community of creative people moving affirmatively to fully engage in the 21st century economy and we owe our part-year residents an invitation to join us year round in this exciting movement.

Transitions

OpenCape welcomed Gary Farrenkopf to its staff this month to assist in certifying the completion of work performed by contractors. Gary brings a wealth of telecommunications experience and knowledge that will serve OpenCape well.

OpenCape posted a vacancy announcement to fill its Chief Executive Officer position. The current CEO, Dan Gallagher, has long planned a transition to consulting and semi-retirement in the fall of this year. Dan will leave the project in excellent shape as it transitions from construction to operation, and will remain available to aid in BTOP grant closeout or other activities should his help be needed.

Looking Forward

OpenCape is fully engaged in construction with the full expectation that it will complete the project on time and on budget in January, 2013. Increasingly we think about, discuss and prepare for the operation of the system and establishing a sustainable operation with positive cash flow as quickly as possible.

CPA law amended

See below news.

Great news for Harwich! While the added funding is good to see, the Recreation language will allow us to move on several Rec. projects ATM has passed but we've help up awaiting this bill's passage and signing. Note Stu Saginor's request to consider calling or emailing Gov. Patrick's office in support of his signing the legislation.

Jack B.

Route 124 Design project (see schedule)

Attached please find a draft article, draft project schedule and 2015 Cape Cod MPO TIP project listing for Route 124.~ It is my strong belief that the Town should fund the engineering and design for this project very soon or potentially lose the \$3,569,280 allocated to Harwich in 2015.~ Specifically, the project must be ready for advertisement by MassDOT by September, 2015, or we could lose the federal funding that is allocated for the project.~ I know~3 years appears to be plenty of time, but~it~is not when~everything has to~be reviewed and approved by~MassDOT.~ I am~aware that~you are reluctant to have a \$400k article~along with the school building article, but~with the town~only needing to fund~approximately 11% of the project, I think it's the~best~example of~leveraging our limited funds~while maintaining our important infrastructure.~

Link~~~~~

Waterways Meetings- change of time from Chairman Mart Hart

Please note that starting in August we will have the Public Waterways Committee meetings on the 3rd Wednesday of each month (as compared to the previous 2nd Tuesdays). This change is to allow for a better choice of meeting rooms at the Harwich Town Hall for our meetings.

East Harwich zoning update (see attached map and concepts)

I would like to inform you of two evening meetings next week on the topic of East Harwich zoning.~ On Monday, the Planning Board is scheduled to present its initial Zoning Concept to the Board of Selectmen.~ In addition to the attached materials, I intend to post a Powerpoint presentation on-line during the day on Monday.~ On Tuesday, the zoning materials will be further evaluated at the regular Planning Board meeting (look for the agenda on-line later today).

Please let me know if you have any comments or questions.

David

Brooks Playground woodchips

Just wanted to let everyone know that the new woodchips for the Brooks Park playground are being delivered on Tuesday.~ Boo asked me to have them deliver them straight to the highway barn so they can truck them down a little at a time.~

Eric

Chamber of Commerce

I met with Jeremy Gringas to review areas of common interest. He raised an issue of BOH draft regulations 1) Prohibiting smoking in workplaces and public places and 2) Draft Regulation restricting the sale of tobacco products (impacting stores with health care institutions(drugstores) - CVS, Stop and Shop, Shaw's and also sell tobacco products. (see attached)

Value Mart fine

A couple of weeks ago you received a memo from our office regarding suspension of Value Mart's liquor license for four days from July 4th through 7th. Please be advised that we have received correspondence from the ABCC that they have accepted a fine of \$160 from Value Mart in lieu of suspension.

Ann Steidel

Claddagh Inn

To the Board of Selectmen:

As of today's date, the Harwich Police Department has not received any complaints regarding the Claddagh Inn's Outdoor Entertainment since last season; therefore, we have no objection to continuation of their Outdoor Entertainment License with the current restrictions specified by the Board. ~If you have any questions or need further information, feel free to contact me at your earliest convenience.

William A. Mason, Chief

Bay View pathway/ Davis Lane

Jim, Mike -

We're glad the town has installed the replacement sign/s, but unfortunately the Davis Lane owners (DLO) have now posted another unacceptable sign/s. Photos of both signs are attached.

The new DLO sign is posted at the entrance to the public path, and there may also be another DLO sign further down the public path (I believe Mike M or John are checking since I'm off Cape). ~Since these intrude on the public way, we suggest removing any

private signs which contravene the Town's and our rights. I'll give you a call to discuss.~ Mike, has the objection been filed (below) to the eastern filings, and can we have a copy? Many thanks again for your help.

Jan Kalicki

Barnstable County Regional Dispatch

A group from the 911 Dispatch Study Steering Committee was favorably impressed with the Onondaga County NY Regional Dispatch Center.

Water Commission study on wastewater

This very topic was discussed by the Board of Water Commissioners at their meeting this morning.~ They are planning to meet with Polaris Consulting and Louison, Costello, Condon and Plaff, LLP on the 24th of this month at which time they will receive the final draft of the Utility Reorganizational Study. ~Once the Board has reviewed the study and it has been finalized, the Board or their representatives plan to present this study to the Board of Selectmen.~ So, until the study is final and ready for release it is not available for review.

Craig

SELECTMEN'S REPORT

- Committee liaison assignments

Chairwoman Cebula said she made changes to the assignments from the suggestions that were made and other changes where necessary.

ADJOURNMENT

Mr. Hughes moved to adjourn at 11:20 p.m. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel

Recording Secretary