

Board of Selectmen Minutes

11/19/2012

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, NOVEMBER 19, 2012
7:00 P.M.**

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

OTHERS PRESENT: Town Administrator James Merriam, Heinz Proft, Peter DeBakker, Frank Sampson, Dave Young, Carole Ridley, Clem Smith, Allin Thompson, Ted Nelson, Alice Boyd, Pam Parmakian, Paul Erickson, and others.

MEETING CALLED TO ORDER at 7:14 p.m. by Chairwoman Linda Cebula.

Chairwoman Cebula reported that the Board had just come out of Executive Session where they were doing some strategy in preparation for negotiations with non union personnel and collective bargaining and considered the purchase, exchange, lease or value of real estate.

CONSENT AGENDA

- Approve Minutes – November 5, 2012 Regular Session
- B. Vote to sign Election Results for the County Commissioners and the Assembly of Delegates
- C. Vote to approve and authorize the Chair to sign the Community Innovation Challenge Grant for “Digital Regionalization”
- D. Vote to approve and authorize the Chair to sign the Community Innovation Challenge Grant for “Regional Unified Communications System”

Mr. Hughes moved approval of the Consent Agenda. Mr. McManus seconded the motion. Mr. LaMantia expressed concerns over the process as well as unspecified costs for Items C and D. Mr. Hughes withdrew his motion and Mr. McManus withdrew his second.

Mr. McManus moved approval of Items A and B on the Consent Agenda. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

Mr. Hughes moved to approve Item C. Mr. McManus seconded the motion and the motion carried by a 4-1-0 vote with Mr. LaMantia in opposition.

Mr. Hughes moved to vote to approve and authorize the Chair to sign Item D. Mr. McManus seconded the motion. The motion carried by a 4-1-0 vote with Mr. LaMantia in opposition.

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

- Annual Meetings with the Board of Selectmen
- Water Quality Task Force

Peter DeBakker provided the attached Power Point update on the Comprehensive Wastewater Management Plan. Mr. DeBakker and Mr. Young of CDM Smith took questions from the Board. The Board agreed to take this matter up to include public input on the December 17th agenda.

- Golf Committee

Clem Smith, Chair, provided the annual report of the Golf Committee.

- Citizen's Advisory for the CWMP

Allin Thompson, Chair, provided the annual report for the Citizen's Advisory for the CWMP.

- Bailey Boyd Associates update on the CDBG housing rehab grant and target areas

Alice Boyd, Grant Administrator for the Community Development Block Grant, reported that this grant has been in existence for 5 years with Dennis as lead community. She noted that Dennis handles the audit for this project but we split the money 50/50 so Harwich has the benefit of the funds but not the bills. Ms. Boyd explained that the FY13 grant has been delayed by the state and they are now due on February 8th. She noted that they will be requesting funds for housing rehabilitation and child care subsidies which have been enormously popular categories. She stated that this year we received \$998,000 which provided funds for 24 homes as well as child care funds which are almost completely spent. Ms. Boyd further explained that HUD came up with target areas approximately 5 years ago which were really defined for more urban areas well that doesn't work here. She noted that the target areas are based on the criteria of maintaining older housing stock as well the largest area of low to moderate income. She stated that we have Harwich Center as a target area and we have to justify that it meets the criteria in the grant. She noted that with this grant we can do up to 20% out of the target area for emergencies only. Pam Parmakian, Executive Director of HECH, noted that we currently

have 2 applicants for emergency repairs from out of the target area. Ms. Boyd stated that she will be sending in the annual request shortly to the Board to participate in the grant.

OLD BUSINESS

- Notice of Non-Discrimination Policy – *second reading*

Paul Erickson of the Disability Rights Committee noted there was not a lot of discussion on this item last week so he has no changes to offer. Chairwoman Cebula said the only change was to add the Notice of Non-Discrimination to the agenda. She noted that this item will be on next week's agenda for approval.

- Scent-Free Policy for the Disability Rights Committee – *second reading*

Mr. Erickson outlined the changes he made based on input from the Board last week and noted that he sent more documents to the Board today. Mr. Erickson suggested that the third reading of this policy be held until the Disability Rights Committee has had a chance to meet on December 11th and discuss the changes. He noted other changes he made as well under "Protocol" including language that it is the responsibility of the Chair to mitigate scent prior to the meeting. Mr. Hughes stressed that anyone with a chemical sensitivity should make the Chair aware and it should be noted in the room. He commented that he doesn't think we are going to be the scent police and it has to be something reasonable. Chairwoman Cebula also commented that she struggles with the Chair controlling scent and questioned how she would go about that. Mr. Ballantine said he is comfortable with requesting on the agenda that people refrain from wearing scents. Mr. LaMantia noted that this has to go back to the Disability Rights Committee so the Board should hold further comments at this point. The Board agreed to bring this item back.

NEW BUSINESS

- Recommendation by the DPW Director to award contract for Road Salt to American Rock Salt Co. for the period on one year in the amount of 53.35/ton – *discussion and possible vote*

Mr. Hughes moved to award the contract as recommended. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

- Bay View residents Gift Account for funds for expert witnesses regarding Wychmere Jetty – *discussion and possible vote to establish gift account*

Chairwoman Cebula stated that our attorney has advised us that we should not create this gift account at this time. The Board took no action.

- Request by Golf Committee to authorize a gift account specifically for use or

display by the Cranberry Valley Golf Course – *discussion and possible vote to establish gift account*

Mr. Smith, Golf Committee Chairman, stated that in response to the Board's concerns over the issue of control of the gift account they are recommending that the committee itself would have the last say with regard to disposition of funds and their agents would be the Golf Superintendent and Maintenance Supervisor who would act as conduits for those decisions. Chairwoman Cebula reminded Mr. Smith that all gifts will have to be accepted by the Board of Selectmen. Mr. McManus moved to establish a gift account. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

- Golf Course Fees for 2013 Season – *discussion and possible vote to confirm*

Mr. Hoyer noted that the Golf Committee held a Public Hearing where he made a recommendation to keep our rates locked and the Golf Committee made a recommendation to add \$100 to Chatham's memberships over the Harwich membership rate. He further noted that they included a twilight rate for those who can't play until they get out of work. Mr. Ballantine said he was caught by surprise by the \$100 increase for Chatham as he thought the program was working well and Chatham is working to offer the same to Harwich. Mr. Hoyer stated that this is in response to taxpayers who complained they are paying the same as Chatham and at the time there was nothing reciprocal from Chatham. Mr. Smith added that the response from Chatham was literally the same day they voted the rates. Mr. Hoyer reported that the Committee considered that those from Chatham who joined would not be dissuaded from rejoining by this increase but that he felt that a \$100 upcharge in one year could dissuade some people. Mr. McManus asked the basis for adding \$100. Mr. Smith responded that it was somewhat arbitrary and the suggestion came from a Cranberry Valley member. He added that they are equating the condition of the courses and our 18 holes to their 9 holes and that their major argument was taxes paid for capital projects. Mr. McManus said he would be supportive of a small increase but not \$100. Mr. LaMantia outlined the debt service for the golf course which he noted would indicate that the increase should be lower than \$100. He added that we lose between 20 to 30 golfers each year so this in fact keeps the rates low for the Harwich residents. Mr. Ballantine commented that we are deviating from the original overall objective. Mr. McManus moved to approve the golf fees for the 2013 season with the adult Harwich resident rate at \$695 and the Chatham resident rate also at \$695 and the rest of the rates as contained in the Golf Committee's recommendation. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

- Budget review with Finance Committee – *discussion*

Chairwoman Cebula reported that the Finance Committee would like to extend the invitation for some joint meetings to review articles in an effort to minimize the amount of time our employees have to spend coming before us particularly as both the Board of Selectmen and Finance Committee tend to have similar issues. Mr. Hughes stated that it

should be clarified that the Chair is in control and that conduct will be controlled. Mr. LaMantia said it would be fine in January after we have a budget and should only be the articles we don't agree on. Mr. McManus stated that the budget that is presented at the beginning of January is from the Administrative Officer and what we approve later on is what the Finance Committee makes recommendations on. He noted that in the past we would hold Saturday sessions all day to have departments present their budgets after the initial budget presentation and it was just a process of review in which nothing was voted. He added that he thought that was a very good process and he was always upset that we stopped that process. He commented that it was eliminated because a certain group in Town thought the Selectmen were micromanaging when in actuality they were educating themselves. Mr. LaMantia stated that those sessions were long and drawn out and he is not sure anything was accomplished. Mr. McManus responded that the Board should certainly know what the service levels are in our departments and that was the way they found out. He noted that we have reduced budgets in many departments and he doesn't know what the service impacts are anymore as there is no way from looking at the financial data that is submitted to us to determine what the service levels are. Mr. LaMantia stated that as Mr. Merriam presents the budget to them there should be a piece of paper from each department describing what any reductions do to the department. Chairwoman Cebula said a few paragraphs or points would be good and she asked Mr. Merriam if the Board could have the impact of the budget on service levels versus last year as part of the budget. Mr. Hughes said Chairwoman Cebula should sit down with the Finance Committee Chair to work out some guidelines and come back to the Board. Mr. McManus said that first they need to be presented with the information so they can understand the specific differences.

TOWN ADMINISTRATOR'S REPORT

Mr. Merriam delivered the following report to the Board:

Allen Harbor dredging update

Craig Burnham informed me that he's seeing 7 foot swells (11/15), but hopes waters are calmer by tomorrow to resume dredging. He expects to hear by Tuesday from ACOE on the CC Disposal site, which is 80 miles, not 100, but more protected waters.

From Harbormaster

Regarding Phase 2 dredging, at the rate that Burnham is going, which is 1 scow (600 cy) every other day (if that) they would barely get 20,000 cy done by 15 Jan.~ That would leave 24,000 cy to dredge at \$59.00 per yard totaling \$1,416,000.~ You add in mobilization costs you looking close to 1.5 mil.

CWMP phasing

CDM presented a modified water quality phasing program to the WQTF on November 14th, which was accepted.

CCC response to EH Grant review

FROM: David Spitz, Town Planner

The REDPP grant was used, in part, to prepare the EHVC Handbook. The final handbook is dated September 15, 2011 and was prepared for the Town of Harwich and the East Harwich Collaborative (see attachment). The document was prepared principally by the Cape Cod Commission with peer review services provided by Joel Russell. Four of the highlighted invoices for Joel Russell were dated prior to September 15, 2011 and were for work directly related to preparation of the handbook.

A public meeting on the EHVC Handbook was held on January 31, 2012 at the request of the East Harwich Collaborative (see attachment). The Collaborative specifically requested that the Town send out a mass mailing to East Harwich property owners to notify them of the meeting. The highlighted invoice for Midnight Mail on February 16, 2012 was for the mailing to property owners.

The final highlighted invoice also was for Joel Russell. Although the date of the invoice (5/9/2012) is well past the date of the EHVC Handbook, the work in that invoice (see attachment) was directly related to its preparation. Please note that the majority of the invoice was for subcontracted work by Jeff Lacy, a Massachusetts planner who is well known for his work on Natural Resource Protection Zoning, a key component of the EHVC Handbook.

The total of these six invoices is \$8598.20, all of which was spent directly on preparation of the EHVC Handbook or on public relations for reviewing the handbook.

Dave Spitz has written a letter requesting reconsideration of the \$8598.20 as money spent within the grant scope as well as requesting a grant extension to 12/31/12 (previous expiration was 3/17/11). We will also include return of check for balance of account in amount of \$24,627.80.

MOU re: Community Center/Friends Attorney Sherman hopes to forward a first draft prior to Thanksgiving.

Dear Mr. Merriam and Mr. Brown,

Per Attorney Sherman's email, attached please find a letter and proposed extension.~

They are also being mailed to you today.

Jayne E. Lane, Paralegal

Assistant to Attorney Lisa F. Sherman

CCC grant applications (Please vote to authorize Chair to sign local support documentation forms)

The Cape Cod Commission is submitting two grant applications for the Community Innovation Challenge Grant program being offered through the Executive Office for Administration and Finance.~ The first is an application for the expansion of the electronic permitting, licensing and inspections program we are currently undertaking, and the second is an application for unified messaging (a regional unified communications system could include voice, video, and email).~ As you know, we were awarded \$500,000 from the state last year for e-permitting with the partnership and support of all of the Cape towns and Nantucket.~ With these grants, we will be able to help provide more efficient services for the towns at lower costs. ~~~We are hoping for the same partnership and support this year.~ Attached to this email are support forms for each grant application.~ This year, the grant programs allows for the Town Manager or chair of the Board of Selectmen to sign for the board.~ Applications are due on November 30.~ If you can submit these to me by November 21, I would appreciate it.~ Please do not hesitate to contact me with any questions.~ Thank you very much in advance for your cooperation and participation.

Kristy Senatori

Charter School Inquiry to Rep. Peake re: signage

Hi Paul,

We have sent out a second request to~MassDOT for information on possible funding alternatives. As soon as we hear something, we will get back to you.

Dorothy M. Smith

Hi, Sarah,

Just checking in to see if there's any progress on the sign issue.

Paul Niles, Executive Director

Cape Cod Lighthouse Charter School

Letter from Chatham re: Membership Fees to Harwich Residents playing Sea Side Links

Date: November 2, 2012

To: Chatham Golf Advisory Committee

From: Chatham/Harwich Regional Golf Committee

The regional golf committee met on Oct.10, 2012 and voted unanimously to recommend that the Chatham Golf Committee recommend implementation of a fee structure that provides Harwich residents with the same fee at Sea Side Links as Chatham residents enjoy.

Harwich has enjoyed a season of increasing revenues due to Chatham residents being able to join at the Harwich rate. The Harwich citizens feel that Chatham needs to provide equal treatment to Harwich residents to enjoy our golf facilities.

There was discussion relative to the ability of Chatham to change this fee structure mid contract but many feel after a reading of the contract that the fees can be set by the Board of Selectman and this can be done at any time, this change does not need to be implemented only at the end of the contract.

It was further discussed that even if there were issues relative to the contract that could suggest Chatham waiting to change fees it was the feeling of the committee that there are many items in the current Chatham contract that are not being adhered to giving Chatham officials two separate avenues available to them to initiate this change if they so desired.

What specifically is requested of the Chatham Golf advisory committee is that they make a recommendation to the Chatham BOS to make all fees equal for golf amongst both of our town's residents.

In addition, it was our charge to look for continued opportunities to seek regional cooperation and avenues where we can work together. It was accepted by the committee that if we are to work together in the future for our residents it makes no sense to have one top public course in the country and another one that clearly does not offer the same quality. Harwich has strongly recommended that we invest a nominal sum of \$10,000 dollars to bring a PGA consultant to Seaside and have them do extensive testing of the grounds and conditions. Inclusive of this investment is assistance in developing an RFP that would demand course condition always be tip-top for our residents. Over the long term we believe this modest investment could lead to a huge improvement in our resident's recreational experience. We ask that the Golf committee invite the Harwich professionals down to discuss this program and we further request that if the Chatham Golf Committee finds this expenditure to be worthwhile that they recommend this expenditure to the Chatham Board of Selectman.

We believe that there is tremendous synergy between our two programs and the potential for a combined recreational offering is tremendous and could serve as a catalyst to boost services and revenues to both town coffers while expanding recreational opportunities for all our residents.

Cranberry Valley proposed gift account

Clem Smith has offered a draft gift account to accept money or items for use at Cranberry Valley.

Distribution of Local Aid to Libraries

As you know, Harwich has historically distributed its Library Aid as 50% to Brooks Library and 25% each to Harwichport and Chase Libraries. The Brooks Library Trustees have requested that the Board of Selectmen vote to formalize its policy. (see attached three documents 7/07 memo to me from Ginny, 10/12 memo to Chair Linda Cebula from Trustees Chair Mary Warde, 11/14/12 memo from Ginny entitled "Information for Discussion on Distribution of State Aid to Libraries.

ConCom decision re: Allen Harbor dredge and Bells Neck Hunting

The Conservation Commission approved the dewatering of 8,000 cu yds on Earle Rd/ Pleasant Rd. parking lots at their November 7th hearing.~ They will issue the Order of Conditions for it at their meeting on Nov. 20th.~ Right now I am drafting my recommended Order of Conditions for them.~ There is no official decision yet, and the minutes have not been approved. In regards to hunting in Bells Neck, the regulations default to the state's hunting regulations in regards to distances from trails, roads, and homes.~ This department identified 2 hunting blinds that are close to Bells Neck Road and these will be removed.~ If people suspect others are not abiding by proper seasons or by the state's other regulations they are encouraged to call the police on that individual.~ Here is the state website for hunting in Massachusetts, which tells species, seasons, and distances away: http://www.mass.gov/dfwele/dfw/regulations/cmr/cmr_300.htm
Amy Usowski, Conservation Agent

Coastal Engineering assigned to file Time of Year extension

It's on our schedule, but I thought we decided to wait until after the contractor had a little more work under his belt. We will also need some specific info from the contractor as part of the process. Please refer to the permit extension requirements which I passed on to you at our last meeting. Also, just to let you know, we just completed the revised plans for the Earle Rd Beach de-watering site, so we anticipate an Order of Conditions will be issued in the next week, and then, after a ten day appeal period, you will be good to go with Wayne.

John Bologna, PE

Bids

Bob Cafarelli has advertised the West Harwich School lease, the Pine Grove Cemetery shed sale, the Potter's Field fence/backstop replacement and the Muddy Creek bridge design.

Monomoy FY 14 Budget

Dave Ryan and I met with Supt. Cragin, School Business Manager Katie Isernio, Jill Goldsmith and Alix Heilala. I requested a preliminary school budget in time to incorporate into my January 7th Budget presentation.

ADJOURNMENT

Mr. McManus moved to adjourn at 10:08 p.m. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary