

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, MARCH 10, 2014
7:00 P.M.**

SELECTMEN PRESENT: Ballantine, Cebula, LaMantia, McManus

OTHERS PRESENT: Town Administrator Christopher Clark, John Rendon, Amy Usowski, Bill Mason, Mike Lach, Matt Hart, and others.

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

Chairman LaMantia reported that the Board had just come out of Executive Session where they discussed some real estate matters.

WEEKLY BRIEFING

A. Carding Machine Brook stream impoundment – *Amy Usowski, Conservation Agent*

Conservation Agent Amy Usowski stated that the dam on Hoyt Road north of Route 28 is in disrepair and she considers it an emergency certification as it is a danger to the environment and health. She stated that the flow has caused substantial erosion and it is in a state of imminent failure which will potentially block herring and eel passage and cause flooding. She recommended immediate removal of the dam with after-the-fact filing to avoid instability and noted that it can be permitted expeditiously. She stated that she has prepared emergency certification for DEP and is requesting permission from the owner of the Freedom Ferry to enter via his property as well as to stockpile material for a couple of days. She noted that the bulk of the work could be completed by Town forces but they may need to rent an excavator for a day. Mr. Clark said he would like to vet this through the Engineer to make sure we aren't changing the hydrology and also find out what the estimated cost is going to be as we need to identify a funding source. Mr. McManus moved that the Board of Selectmen declare it an imminent hazard and authorize the Conservation Agent and other members of Town staff to act expeditiously to remove the dam. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

CONSENT AGENDA

- A. Approve Minutes
 - 1. February 18, 2014 Regular Meeting
 - 2. February 24, 2014 Regular Meeting
 - 3. March 3, 2014 Executive Session
- B. Vote to approve application for Harwich 5K Road Race for June 21, 2014
- C. Vote to approve application for Remembory Walk for May 10, 2014
- D. Vote to approve changes to Harbor Management Plan as recommended by Waterways Committee and Harbormaster
- E. Vote to approve committee appointment as recommended by Interview & Appointments Committee

Mr. McManus moved approval of the Consent Agenda with the exception of Item D. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote. Mr. McManus clarified questions

with the Harbormaster regarding the Harbor Management Plan fee schedule. Mr. Ballantine moved to approve the changes to Harbor Management Plan as recommended by Waterways Committee and Harbormaster. Mr. Ballantine seconded the motion. The motion carried by a 3-0-1 vote with Mr. McManus abstaining from the vote.

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

A. Budget Amendment #1 – *discussion & possible vote*

Mr. Clark outlined the attached Budget Amendment #1. Mr. Ballantine moved to accept Budget Amendment #1 as presented. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

OLD BUSINESS

A. Warrant Article Review – Discussion & possible vote to include

4. Article 5 - Town Operating Budget
5. Article 6 - Monomoy Regional School District Budget
6. Article 7 - Cape Cod Regional Technical School District Budget
7. Article 8 - Water Department Budget

Mr. McManus moved to include in the warrant Article 5 – Town Operating Budget, Article 6 – Monomoy Regional School District Budget, Article 7 – Cape Cod Regional Technical School District Budget, and 8 – Water Department Budget. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

8. Article 9 - Adopt the Capital Plan

Mr. McManus moved to include in the warrant Article 9 – Adopt the Capital Plan. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

9. Article 11 - Fund Union Contracts for FY 2015
10. Article 12 - Fund Contracts for all Full and Permanent Part-Time Employees for FY 2014

Mr. McManus moved to include in the warrant Article 11 - Fund Union Contracts for FY 2015 and Article 12 - Fund Contracts for all Full and Permanent Part-Time Employees for FY 2014. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

11. Article 13 - Fund Ambulance Stretchers

Mr. McManus moved to include in the warrant Article 13 – Fund Ambulance Stretchers. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

12. Article 14 - Fund Ambulance Computers

Mr. McManus moved to eliminate Article 14 – Fund Ambulance Computers from the warrant. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

13. Article 15 - Fund Replacement of Fire Department Ambulance

Mr. McManus moved to include Article 15 - Fund Replacement of Fire Department Ambulance in the warrant. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

14. Article 16 - Fund Repairs to the Fire Department HVAC System

15. Article 17 - Approve Matching Funds for Fire Department Grants

Mr. McManus moved to eliminate from the warrant Article 16 -- Fund Repairs to the Fire Department HVAC System and Article 17 -- Approve Matching Funds for Fire Department Grants. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

16. Article 19 - Equip New Emergency Response Boat

Mr. McManus moved to include Article 19 - Equip New Emergency Response Boat in the warrant. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

17. Article 21 - Route 124 Improvements

Mr. McManus moved to include Article 21- Route 124 Improvements in the warrant. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

18. Article 22 - Vehicles for the DPW

Mr. McManus moved to include Article 22 -- Vehicles for the DPW in the warrant. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

19. Article 23 - Fund purchase of Parks and Cemetery Maintenance Equipment

Mr. McManus moved to remove from warrant Article 23 -- Fund Purchase of Parks and Cemetery Maintenance Equipment. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

20. Article 24 - Overhaul the Transfer Station

21. Article 25 - Fund the Road Maintenance Program

Mr. McManus moved to include in the warrant Article 24 -- Overhaul the Transfer Station and Article 25 -- Fund the Road Maintenance Program. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

22. Article 26 - Fund the Purchase and Installation of HVAC Systems at DPW

Mr. McManus moved to include Article 26 - Fund the Purchase and Installation of HVAC Systems at DPW in the warrant. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

23. Article 27 - Fund New Carpet for Brooks Free Library

Mr. McManus moved to include Article 27 -- Fund New Carpet for Brooks Free Library in the warrant. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

24. Article 28 – Increase Staff Librarian Hours

Mr. McManus moved to remove Article 28 – Increase Staff Librarian House from the warrant. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

25. Article 29 – Funds to Restore Open Days at Brooks Free Library

Mr. McManus stated that there has been no funding source but this has been a request by another elected body and he feels we should respect their request to include this article so they can have their time on Town Meeting floor. Mr. McManus moved to include in the warrant Article 29 – Funds to Restore Open Days at Brooks Free Library. Mr. Ballantine seconded the motion for discussion and questioned what would happen if it were to pass at Town Meeting. He noted that we would have to modify the budget somewhere else. Ms. Cebula agreed with Mr. Ballantine. The motion failed on a 1-3-0 vote with Mr. Ballantine, Ms. Cebula and Chairman LaMantia in opposition. Ms. Cebula moved to exclude Article 29 from the warrant. Mr. Ballantine seconded the motion and the motion failed on a 2-2-0 vote with Mr. McManus and Chairman LaMantia in opposition. Chairman LaMantia stated that the Board needs to have a conversation with representatives from the Library at the next meeting.

26. Article 32 - Supplement Annual Allocation of Mass Cultural Council for
Local Cultural Council Grants

Mr. McManus moved to include in the warrant Article 32 - Supplement Annual Allocation of Mass Cultural Council for Local Cultural Council Grants. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

27. Article 33 - Construction of the Muddy Creek Bridge
28. Article 34 - Complete the CWMP Regulatory Review

Mr. McManus moved to include in the warrant Article 33 – Construction of the Muddy Creek Bridge and Article 34 – Complete the CWMP Regulatory Review. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

29. Article 35 – Conduct Cold Brook Nitrogen Attenuation Study

Mr. McManus moved to include in the warrant Article 35 – Conduct Cold Brook Nitrogen Attenuation Study at a cost of \$50,000 from tax levy. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

30. Article 37 - Transfer of Funds for Allen Harbor Bulkhead/Parking Lot Project

Mr. McManus moved to include in the warrant Article 37 - Transfer of Funds for Allen Harbor Bulkhead/Parking Lot Project. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

31. Article 40 – Fund Engineering Services for Replacement of Saquatucket
Harbor Docks

Mr. McManus moved to eliminate from the warrant Article 40 – Fund Engineering Services for Replacement of Saquatucket Harbor Docks. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

32. Article 41 – Fund the Purchase of New Truck for Harbormaster Department

Mr. McManus moved to include Article 41 – Fund the Purchase of New Truck for Harbormaster Department with funding as the tax levy. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

33. Article 42 – Fund for Maintenance of Dredge Sand from Channel Dredging

Mr. McManus moved that Article 42- Fund for Maintenance of Dredge Sand from Channel Dredging be moved from hold to include at an amount of \$350,000 from the capital exclusion. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

34. Article 43 - Fund Prior Year's Unpaid Bills

Mr. McManus moved to include Article 43 – Fund Prior Year's Unpaid Bills in the warrant. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

35. Article 47 – Create Receipts for Reserve Appropriation Fund

Mr. McManus moved to remove Article 47 – Create Receipts for Reserve Appropriation Fund from the warrant. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

36. Article 67 – Corrective Property Line for Bank Street Beach

Mr. McManus moved to include Article 67 – Corrective Property Line for Bank Street Beach. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

Mr. McManus moved to include the Downey property article in the warrant. Chairman LaMantia noted that it was not on the agenda and said he would put it on next week's agenda.

Discussion & possible vote to support

1. Article 30 – Defray Expenses of the Chase and Harwich Port Libraries

Mr. McManus moved to support Article 30 – Defray Expenses of the Chase and Harwich Port Libraries. Ms. Cebula questioned if we will be inviting anyone in to speak on this article. Chairman LaMantia responded that he has asked the Board in the past if there are any articles they would like to invite people in to speak on and there were no requests. Mr. Ballantine stated that the discussion would be the same as in past years and he moved to support Article 30 – Defray Expenses of the Chase and Harwich Port Libraries. Mr. McManus seconded the motion and the motion carried by a 3-0-1 vote with Ms. Cebula abstaining from the vote.

2. Article 31 – Promote the Town of Harwich

Mr. McManus moved to take a position of support on Article 31 – Promote the Town of Harwich. Chamber of Commerce Director Jeremy Gingras spoke in support of the article. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

3. Article 32 – Supplement Annual Allocation of Mass Cultural Council for Local Cultural Council Grants

Mr. McManus suggested inviting the Cultural Council in to discuss this article. No action was taken.

4. Article 48 – Departmental Revolving Fund

Mr. McManus moved to support Article 48 – Departmental Revolving Fund. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

5. Article 61 – Adopt the Provisions of MGL Ch. 59, Sec. 5, Clause 56

Mr. Ballantine moved to support Article 61 – Adopt the Provisions of MGL Ch. 59, Sec. 5, Clause 56. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

6. Article 63 – Amend the Code of the Town of Harwich By-Laws – Barking Dogs

Chief Mason outlined the article. Mr. McManus moved to support Article 63 – Amend the Code of the Town of Harwich By-Laws – Barking Dogs. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

7. Article 64 – Amend the Code of the Town of Harwich By-Laws – Civil Fingerprinting

Chief Mason outlined the article. Mr. McManus moved to support Article 64 – Amend the Code of the Town of Harwich By-Laws – Civil Fingerprinting. Mr. Ballantine seconded the motion and the motion carried by a 3-1-0 vote with Ms. Cebula in opposition.

8. Article 66 – Approve Easement for Verizon and Nstar Town-Owned Property

Mr. McManus moved to support Article 66 – Approve Easement for Verizon and Nstar Town-Owned Property. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

TOWN ADMINISTRATOR'S REPORT

Mr. Clark reported that he hopes to have a recommendation on appointing a new Assistant Town Administrator in the next couple of days.

SELECTMEN'S REPORT

Mr. McManus reported that he had met with Mr. Spitz, Ms. House and Mr. Winston to discuss developing a business plan for the Albrow House and he will meet with Mr. Libby this week. He stated that he will have something to present to the Board in a couple of weeks.

ADJOURNMENT

Mr. Ballantine moved to adjourn at 8:40 p.m. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary

To **Board of Selectmen**
From **Larry Ballantine, Linda Cebula**
 Selectmen's Interview/Nomination Committee

Re **Nominations**
Date **March 4, 2014**

We recommend to the Board of Selectmen the following appointments:

Name	Appointment	Expiration of term
Cindi Maule	Housing Committee	June 30, 2014 Unexpired term

OFFICE OF THE TOWN ADMINISTRATOR

Phone (508) 430-7513

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Christopher Clark, *Town Administrator*

Robert C. Lawton, Jr., *Interim Assistant Town Administrator*

732 MAIN STREET, HARWICH, MA 02645



MEMO

To: Board of Selectmen

From: Christopher Clark, Town Administrator

cc: Finance Team Members
Finance Committee

Re: Budget Amendment #1

Date: March 5, 2014

The fiscal year budgeting process is exactly that, an evolutionary process that as additional information becomes available, the budget can be refined utilizing better information and better numbers. Administration has worked closely with the Monomoy Regional School District. Monomoy, this past Monday night, provided their refined budget that takes into account reductions in health insurance, additions in transportation costs, utilization of reserves and adjustments to OPEB funding. The overall value of the savings in the Town of Harwich assessment over what was originally planned is \$290,000.

Administration seeks to reallocate the \$290,000 into the following areas:

- To place \$100,000 into the Town's general stabilization fund. This action will help to build reserves that are needed to convince rating agencies of the Town's commitment to improve its reserves condition prior to borrowing for the regional school project.
- The place \$100,000 into the Town's health insurance account in the operating budget that will be transferred out and placed into the Town's OPEB trust fund. Prior rating agency observations indicate the Town needs to make a more fundamental and concerted effort to fund its OPEB obligations.
- Capital Budget related to Article 26 to fund the purchase and installation of HVAC systems improvements at the DPW. The \$19,500 includes three items related to air filtration, exhaust fume extractor and heating circulation system upgrade. This request was submitted just prior to the closing of the warrant and due to the public health concerns the above funding is recommended.
- Capital budget related to Article 35 on conducting a Cold Brook Nitrogen Attenuation Study. The original request was to fund \$100,000 after discussions with the Wastewater Implementation

Committee, I recommend funding at \$50,000 for this year to allow the work on this vitally important project to continue and to seek the balance of the funds in FY 16.

- Capital Budget related to Article 41 to fund the purchase of a new truck for the Harbormaster in the amount of \$22,000. The department researched the possibility of utilizing surplus Town equipment and none deemed usable for the purpose needed.
- Capital Budget related Article 42 funds for maintenance of dredge sand from channel dredging and beach replenishment. This article was previously funded at \$500,000 and after careful consultation with the Harbormaster recommend adjusting the amount to \$350,000 to provide for two years of dredging of the three applicable harbors. During this two year period, Administration will work with the Waterways Committee and the Harbormaster to include \$175,000 into the future annual operating budgets. The inclusion of dredging funds into the annual operating budget is necessary due to the ongoing need for this work to be done on the harbors. The funding is still proposed to be a Capital Exclusion.

Capital budget Article 38 entitled Replace Wychmere Harbor Town Pier and Bulkheads indicated the funding at \$1,100,000 with the Town's portion from borrowing indicated at \$478,000. The total project cost is \$1,704,000 with a Seaport grant of \$1,225,600.

The above listed items for general stabilization, OPEB trust fund and various capital budget article items are offset by the reduction of the regional school assessment reduction.

I do anticipate some additional adjustments but I believe they will be minor in nature. One very obvious adjustment will need to be made if state aid is adjusted by the Commonwealth of Massachusetts prior to Town Meeting.