

Board of Selectmen Minutes

03/19/2012

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

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

OTHERS PRESENT: Town Administrator James Merriam, Supt. Carolyn Cragin, Dana DeCosta, Pete Watson, Jeffrey Dykens, Brian Widegren, Terry Russell, Pam Groswald, Jeremy Gingras, David Agnew, Skip Patterson, Charlie Helliwell, and others.

MEETING CALLED TO ORDER at 7:06 p.m. by Chairman Ballantine.

Chairman Ballantine reported that the Board had just come out of Executive Session where they discussed contract negotiations and real estate matters.

CONSENT AGENDA

- A. Vote to approve request for assistance through the Caleb Chase Assistance Fund in the amount of \$700.00 (Nstar and Oil Express)
- B. Vote to approve request for assistance through the Caleb Chase Assistance Fund in the amount of \$581.44 (Nstar)
- C. Vote to approve 2012 Long Pond Bass Tournaments per request of the Recreation & Youth Commission

Ms. Cebula moved approval of the Consent Agenda. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

PUBLIC HEARINGS/PRESENTATIONS (7:15 P.M.)

- A. Public Hearing - Application for a transfer of stock by William R. Coffin and Sons, Inc. d/b/a Plum's Package Store

Mr. Hughes read the hearing notice into record. With no one appearing before the Board, Mr. Hughes moved to grant the request. Mr. LaMantia seconded the motion and the

motion carried by a unanimous vote.

- 7:30 P.M. Joint Meeting with Finance Committee - Monomoy Regional School District Budget Subcommittee – *discuss voted budget*

Superintendent Cragin updated the Board and Finance Committee on the FY13 Monomoy Regional School District budget noting reductions in retirements, athletics and capital totaling \$628,000. Mr. Ryan provided a financial analysis as well. Superintendent Cragin and Mr. Ryan took questions and comments from the Board.

OLD BUSINESS

A. Crowell Barn – *discussion*

Mr. Gingras discussed the business plan and 5 year forecast he developed. He also provided a new site plan which he noted is the preferred plan. He noted that the Harwich Historical Society has agreed to take care of the operations aspect of the barn but not the management aspect. He asked that a committee be set up to manage the actual physical structure and he asked for the Board's support of the project.

Mr. Hughes moved, based on the business plan and the financial projections presented to us this evening including the potential location of structures on the property, that we encourage this group and endorse the concepts they presented to move forward with the relocation of the Crowell Barn onto the Brooks Academy Museum property. Mr. LaMantia seconded the motion. Upon the motion, Mr. McManus asked that they return with a site plan. Mr. Gringras said he will return with an engineered specific site plan for final consent. After the commitment by Mr. Gingras, the motion carried by a unanimous vote.

- Radiological Emergency Planning Referendum – *discussion*

Mr. Agnew outlined the new shortened draft referendum. Ms. Cebula pointed out that it is not in the form of a ballot question but rather it is a letter. Mr. McManus stated that the ballot question should ask if the voters approve of the resolution. Mr. LaMantia noted that it needs to be rewritten. Mr. Hughes stated that the real question is if the voters support requesting that the emergency zone around the Pilgrim plant be extended from 10 miles to 50 miles to include all of Cape Cod and that would form the basis of the letter. Mr. Agnew noted that the petitioners are not asking for that but are asking for Barnstable County to have a plan. Chairman Ballantine stated that they will form it as a ballot question and bring back next week.

NEW BUSINESS

A. Warrant/Article Review

1. Article 24 to amend the Code of Harwich – *discussion*

Mr. Patterson stated that he would like to indefinitely postpone this at Town Meeting as it would not accomplish what they had hoped. He stated that the fundamental problem with Chapter 304 – Water Dependent Structures of the Code of the Town of Harwich, is that it is not well crafted and will not accomplish the objectives which were initially thought that it would. He asked the Board to appoint an ad hoc committee to review and revise as appropriate the Code starting with the definition of a deep water channel, appoint an enforcing authority for whatever the by-law turns out to be, establish penalties for violations, harmonize the Harwich Code with the Commonwealth Code, and consult with DEP, Army Corps, and Coast Guard. Mr. Hughes asked why they just don't tell the Waterways Committee to do this and Mr. Patterson responded that the most recent revision to this by-law was in 2009 and was a result of that Committee. Mr. LaMantia pointed out that the Waterways Committee provides input to the Conservation Commission and Mr. Patterson responded that the Conservation Commission won't deal with navigation issues. Mr. Hughes recommended that the petitioners and the Chairs of both the Conservation Commission and Waterways Committee come before the Board to discuss this. Mr. McManus pointed out to Mr. Patterson that this refers to water dependent structures not moored boats and Mr. Patterson responded that they are trying to accomplish the objectives laid out in the DEP regulations. The Board heard comments from Mr. Helliwell who suggested that the Board send a letter to the Coast Guard and Army Corps requesting a pro forma review of what may be a serious navigation issue. Mr. LaMantia suggested requesting the Harbormaster and Waterways Committee review the subject and hold the appropriate meetings and talk to the Conservation Commission. He stressed that constructing another committee when we already have trouble filling vacancies is not the way to go. Mr. McManus stated that it needs to go to our existing committees and we shouldn't be undercutting our current committees. The Board took no action.

2. Review Special Town Meeting Articles – *discussion*

Mr. Hughes stated that discussion of any Special Town Meeting articles needs to happen after the warrant closes and the Board agreed.

3. Review of ATM Articles – *vote*

Mr. Hughes moved to accept and adopt Article 1, Town Officers and Committees, Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

Mr. Hughes moved to accept and adopt Article 2, Report of Town Officers and Committees, Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

Mr. Hughes moved to accept and adopt Article 3, Elected Officials Salaries, Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

Mr. Hughes moved to accept and adopt from available funds Article 7, Chase and Harwich Port Libraries. Mr. McManus seconded the motion. Ms. Cebula said we should wait until we see what Budget Amendment #1 looks like and Mr. LaMantia agreed. Mr. Hughes withdrew his motion and Mr. McManus withdrew his second.

Mr. Hughes moved to accept and adopt as a capital exclusion Article 10, Allen Harbor Float and Piling Replacement. Mr. McManus seconded the motion. The motion carried by a 4-1-0 vote with Ms. Cebula in opposition.

Mr. Hughes moved to accept and adopt as a capital exclusion Article 11, Add to Dredging Reserve Fund to Dredge Various Entrance Channels. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

Mr. Hughes moved to accept and adopt as a capital exclusion Article 12, Fund Design of Muddy Creek Culvert/Bridge. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

Mr. Hughes moved to accept and adopt from Water funds Article 13, Design/Bidding of Rehab Program for Lothrop Avenue Tank. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

Mr. Hughes moved to indefinitely postpone Article 14, Brooks Park Baseball Field Fencing and Backstop. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

Mr. Hughes moved to accept and adopt Article 16, Golf Capital Improvement Receipts Reserve Fund. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

Mr. Hughes moved to accept and adopt Article 17, Waterways Capital Improvement Receipts Reserve Fund. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

Mr. Hughes moved to accept and adopt Article 18, Departmental Revolving Funds Authorization. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

Mr. Hughes moved to accept and adopt from FEMA funds Article 15, Emergency Management Replacement Generators. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

Mr. Hughes moved to accept and adopt Article 19, Change the Purpose of Capital Replacement Stabilization Fund. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

Mr. Hughes moved to indefinitely postpone Article 20, Funding the Town Capital Stabilization Fund. Ms. Cebula seconded the motion. Mr. McManus suggested holding on taking a position until we see what issues we are going to put on the ballot. The motion failed on a 2-3-0 vote with Chairman Ballantine, Mr. McManus and Mr. LaMantia in opposition.

Mr. Hughes moved to accept and adopt Article 37, Liability Tidal/Non Tidal Rivers. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

Mr. Hughes moved to accept and adopt Article 38, Herring Fisheries. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

Mr. Hughes moved to accept and adopt Article 25, Pleasant Bay Resource Management Plan Amendment. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

Mr. McManus moved to support indefinite postponement of Article 24, Amend the Code of the Town – Part I, Chapter 304-8, Part A. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

Mr. McManus moved to accept and adopt Article 35, Affordable Housing Deed Rider – 30 Cedardale Road. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

Mr. McManus moved to accept and adopt Article 36, Compensating Balance Agreement. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

- Review of Executive Session Minutes for 2003 – *vote to release*

Mr. McManus moved to continue the item until next week. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

TOWN ADMINISTRATOR'S REPORT

Mr. Merriam delivered the following report to the Board.

MRSD Budget

The gross budget presented on March 14th is \$34,147,510 including Transportation, Capital and Debt, less \$5,428,143 of revenue, leaving a net assessment of \$28,719,367. (see handout) From this net assessment, Harwich's share would be \$20,342,081, which is \$1,652,583 higher than the \$18,689,498 in the TA January 9th budget. The budget cannot be increased after this vote, but can be further decreased. Supt. Cragin indicated that there are further adjustments possible from the Regional Transition grant of \$204,000, regional bonus funds, School choice, regional transportation reimbursement, SPED placements and Collective bargaining.

General Override question

Unfortunately, an override vote is a permanent increase in the levy limit.~ The only way to reduce the tax levy in the future is to vote an underride.

John W. Giorgio, Esq.

Non binding public opinion

As a follow up to David Agnew's Pilgrim Nuclear petition, MGL Ch. 53, sec 18A requires the petitioner to obtain the Selectmen's approval 90 days before the election or seek 10 percent of registered voters to sign the petition. However, the Selectmen can place the ballot question up to 35 days before the election. (see statute)

Solar Project update –from American Capital Energy

See attached report as we wait for the NSTAR Impact Study on March 27th re: the Interconnect upgrade.

MIIA Supplemental Extended Reporting Endorsement for School Board Liability

MIIA is quoting for extension of Harwich School Board Liability for one, two or three years. See quotes.

Allen Harbor update

James Merriam (Town of Harwich), Roy Okurowski (Coastal Engineering), and Don Munroe (Coastal Engineering),

I just now mailed a CD to you (USPS). ~The CD contains all of the files associated with the Allen Harbor sediment assessment report. ~I am also sending a CD with the same files to Phillip Nimeskern (USACE-NED).

It has been a pleasure to work with each of you. ~In our view, the project moved forward through all of the testing phases quite smoothly. ~I hope that the agency review is completed quickly and favorably so that dredging can commence on schedule. ~If you have any questions regarding any aspect of the report or work performed, please contact me or Dr. Philip Downey.

John Williams

Manager, Environmental Toxicology

Aquatec Biological Sciences, Inc.

Porta John bids from County

Porta-Potty Bid							
8-Mar-12							
Town	Bouse House		M Frazer				
~	Overall Price		Additio nal Pumpin g	Special Event Per Day	Overall Price	Additio nal Pumpin g	Special Event Per Day
Wellflee t	\$23,523.20	\$12.99	\$60.99	\$26,288.99	\$12.99	\$62.00	Eastham
\$22,800.00	\$12.99	\$60.99	\$23,161.63	\$12.99	\$62.00	Truro	\$18,950.00
\$12.99	\$60.99	\$30,416.00	\$13.00	\$62.00	Provincetown	\$11,500.00	\$12.99
\$60.99	\$11,005.00	\$13.00	\$62.00	Harwich	\$2,596.00	\$12.99	\$60.99
\$1,762.00	\$13.00	\$62.00					

I just checked with Lee Ames in the Recreation Dept on what the number was on the Porta Pottie rental for last year Last years recreation budget for Porta Potties was \$4684.00 and they were using Bouse House (the bid this year from Bouse House came in at \$2596.00) the low bidder was M Frazer with a bid of \$1762.00 = \$834.00 savings over the Bouse House Bid the total savings from last year to this year would be \$2922.00 if you go with the low bid. My recommendation would be to go with the low bidder Please let me know and I will contact the county
Carolyn

Rec Dept. Spring Schedule is out

Jim,~~~ just wanted to forward along our 2012 Spring Brochure so you are aware of our programs this season.~ We have several new programs including:

Youth Bowling Trips (using rec. van)

Youth Skate park Trips (using rec. van)

Mountain Biking

High School Yogalates

Adult Pilates

Adult Ping Pong Program

We are also looking into starting up a badminton program for the late spring.~

Eric

Projects update from Bob Cafarelli

Restroom:

CC Construction submitted a material list of the materials he plans on using (tanks, pumps, pipes etc.)~ I reviewed this and approved his submittal with minor modifications.~ They should be set to start construction, hopefully next week. Shea submitted the textures proposed for the unit, Cedar Board Siding and Split Cedar Shingle Roof (Attached).~ Did we decide on colors for this?~

ADA Walkway:

The low walkway quote (attached) is \$7,750 for the walkway and \$2,000 for loaming and hydro-seeding all disturbed areas, for a total of \$9,750. Disturbed areas will be kept to a minimum.~ Robert Our Co. quoted \$9,800 for the walkway with no restoration of disturbed areas.~ Barrows did not submit a quote.~ I met with the Disability Rights Committee yesterday, and they were pleased with the quote.~ I will authorize Chase and Merchant (the low quote) to install the walkway.~ My understanding is that they are busy on a large job for a couple of weeks, so the walkway will not be started until after that. Let me know if you need anything else.

Red River

The culvert project is back on track with adequate pumps to keep the trench dry. The footing is scheduled for pour on 3/14-15, with delivery of concrete box culverts scheduled starting 3/19.

Art. 35 ATM Cedardale Rd.

Hi Jerry

This article is in response to the current deed restriction that is attached to 30 Cedardale. As you might recall in September HECH sent a request to DHCD to approve the Affirmative Fair Housing marketing plan for this unit. All local authorities required to sign the request did so, including yourself. To remove the current restriction it requires the action of Town floor to empower the BOS the ability to release the old restriction (which will allow the new DHCD approved Universal restriction the ability to be attached

to the property).HECH has a qualified buyer in place as a result of the marketing established last fall. The other unit, 29 Cedardale continues to have the same rental tenant occupying the unit. It has not been marketed for home ownership. As I have said in the past HECH would be happy to meet with the Harwich Housing Committee if so requested.

Pam Parmakian

Personnel

Judy Sullivan, Board of Health Principal Clerk has resigned effective March 23rd.

ADJOURNMENT

Ms. Cebula moved to adjourn at 10:43 p.m. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel

Recording Secretary