

# **Board of Selectmen Minutes**

## **04/16/2013**

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
TUESDAY, APRIL 16, 2013  
7:00 P.M.**

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

**OTHERS PRESENT:** Carolyn Carey, Barbara-Anne Foley, Jack Brown, Larry Cole, Richard Gundersen, Joan McCarty, Joanne Brown, and others.

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

### **WEEKLY BRIEFING**

Mr. Hughes called for a moment of silence for the victims of the Boston Marathon bombing.

### **CONSENT AGENDA**

- Vote to award the lease for the wireless communications tower at 196 Chatham Road to AT&T and authorize Chair to sign letter to AT&T
- Vote to approve Golf Revolving Fund expenditures
- Vote to approve Chapter 90 requests for chip-sealing various town roads
- Vote to approve 2013 Junk Dealer License renewals
- Vote to approve new Common Victualler application for Country Club Elite, Inc.

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

### **NEW BUSINESS**

- Warrant Articles/One Liners – *discussion & possible votes*
- ATM Art. 23 - Community Center Lower Level – Phase II

The Board heard questions and comments from Richard Gundersen who submitted a petition against the expansion of the weight room. Carolyn Carey, Barbara-Anne Foley and Lee Culver responded to Mr. Gundersen's remarks. Jack Brown, President of the

Friends of the Council on Aging, said they strongly support this article. The Board discussed the attached document entitled “Costs for the Community Center Facility and Programs” which was prepared by Mr. Ryan. Mr. LaMantia commented that the numbers in the document are not right and Chairwoman Cebula offered to meet with him so he can indicate which numbers he believes are incorrect and why. Mr. Ballantine moved to approve Article 23 with the condition that the numbers that you worked out to better understanding and clarification that those are before us and visible to the Town before Town Meeting. Mr. McManus seconded the motion. Mr. Hughes asked if Mr. Ballantine’s motion is to accept and adopt as a capital debt exclusion and Mr. Ballantine responded that it is. The motion carried by a 3-2-0 vote with Mr. LaMantia and Mr. Hughes in opposition.

- ATM Art. 31 –Library Building Maintenance Projects
- ATM Art. 32 –Library Phase II Restoration/Preservation Historic Bank Building

Chairwoman Cebula noted that the trustees are still working on obtaining the necessary information. The Board agreed to hold on this these articles.

- ATM Art. 37 – Rescind Vote on Health Insurance for Elected Officials

Mr. Ballantine and Mr. McManus recused themselves on this item. The Board agreed to hold on discussion to ensure that the proponent was notified.

- ATM Art. 45 – Funding for Town Capital Stabilization Fund

Mr. McManus moved to support accept and adopt for Article 45. Mr. LaMantia seconded the motion and the motion carried by a 3-1-1 vote with Mr. Hughes in opposition and Chairwoman Cebula abstaining from the vote.

- STM Art. 12 – Accessory Apartments
- STM Art. 13 – Panhandle Lots & Shape Numbers

The Board agreed to invite the Planning Board in to answer questions on these articles.

Chairwoman Cebula noted that there was a line left off on the ballot inadvertently. Mr. Hughes requested some small editorial changes. The Board was unsure whether the ballot had been printed and if there was still time to change it. Mr. McManus moved that we approve the ballot measure language for question 7 as presented to us tonight with the inclusion of “down” after “shut” and “of” before “Cape Cod residents” and that those corrections be made provided that it can be done in a timely fashion. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

## **TOWN ADMINISTRATOR’S REPORT**

Mr. Merriam provided the following report:

House Ways and Means Budget

The House W/M Budget was released on April 10<sup>th</sup>. Local Aid is as follows:  
Unrestricted Aid \$372,945 (up \$8612 from Governor), Monomoy Chapter 70  
\$2,506,360 (down \$521,345 from approved budget), Cape Tech Chapter 70 \$2,063,837  
(up \$63,278 from approved budget).

Human Service grant awards

Attached is a spreadsheet of Grant award recipients for FY 13, requests for FY 14 and recommended awards for FY 14. The reason for the \$77,500 recommended is that Don Howell indicated that CC Ecumenical Youth Ministries will not seek \$1000 awarded in FY 13. The grant requests were reviewed and recommended by Donna Travano, Betsy Loomis and me.

Cranberry Valley

Ian Philbrook has indicated his intent to open for the season on Tuesday, April 16<sup>th</sup>. He has applied for his liquor license.

Draft CWMP

We are in receipt of the Cape Cod  
Commission comments to MEPA. Please  
note in summary, page 2, that the CCC  
recommends that the Town not submit the  
CWMP for formal review until the  
Commission has completed its Regional 208  
Water Quality Management Plan.

Stop and Shop Appeal

The appeal hearing before the ABCC is  
scheduled for June 19<sup>th</sup> at 1:30pm at the  
Commission, 239 Causeway St.

Pre-town meeting

Scheduled for May 3<sup>rd</sup> at 9am.

Capital Plan Amendments – FY 2014-2020  
voted on 4/9/13

- FIRE DEPARTMENT - Fire Truck Purchase in 2014 is increased from \$390,000 to \$425,000.
- WATERWAYS/HARBORS – Allen Harbor Dredging Phase 2 for \$600,000 in 2014 has been eliminated.
- WASTE WATER MANAGEMENT – Phase 1: Muddy Creek Construction has been increased from \$182,500 to \$187,500 in 2014.
- WATER DEPARTMENT – New Water Treatment Plant – Northgate in 2014 has been increased from \$1,600,000 to \$1,960,000.
- WATER DEPARTMENT - Repaint Lothrop Water Tank in 2017 has been moved forward to 2014 for \$1,600,000.
- WATER DEPARTMENT – Trucks (2) in 2014 for \$77,800 and \$67,848. Truck (1) in 2017 for \$75,000. Truck (1) in 2020 for \$75,000.

DPU Approval (solar project)

Attached please find an approval of an application of the Town of Harwich, which was docketed by the Department of Public Utilities as D.P.U. 13-60.~ If you have questions, please let me know.

Laura C. Bickel, Hearing Officer  
Commonwealth of Massachusetts  
Department of Public Utilities

Article 18 Long Pond restroom (Cost less than \$125k with tight tank, approximately \$75k)

Attached are costs from Shea for "budget purposes". Frank said they may be able to

do a little better once we bid it out. Costs for water and electric connection would have to be added.

Paula seemed pleased with the idea of a tight tank at Long Pond, so this appears to be the most beneficial arrangement for the Rec Commission for a number of reasons:

- ~~~~~ 1. Lower nitrogen loading into the pond
- ~~~~~ 2. Much lower Capital costs
- ~~~~~ 3. Added parking for boat trailers (raised system would eliminate current parking area).

The only thing I am weighing is if the tight tank(s) should be under the restroom, or to the side.~ The restroom would provide ballast for the tank(s), but this would make it difficult if the tanks ever had to be replaced in the future for some reason.~ ~

Bob

#### Cape Light Compact

Press release announcing Harwich Middle School partnership to give presentation in San Antonio.

#### Potential RFP for Brooks Park

Jim,~~ I recently had someone approach me about the possibility of a mobile hot dog vendor on the beaches.~ I informed them that there is one more year on our current mobile beach concessions contract.~ They brought up the possibility of being a mobile hot dog vendor for the town parks/fields specifically Brooks Park.~ This could be a beneficial idea.~ I wanted to check with you to see if this would also have to go out to RFP.~ I would assume so, but just wanted to make sure.~ If it does have to go to RFP,

then it would probably be too late to start the process for this spring season, but maybe next year we could put out RFP's for mobile beach ice cream concessions, mobile beach hot dog concessions, and mobile park concessions.~ Let me know what you think when you get a chance.~  
Thanks, Eric

#### Tax Title Attorney

We received three proposals for Tax Title Attorney. Is there a Board member who wishes to assist us (Finance Dept.) with review of proposals?

#### Response from Chief Mason to rooster complaint

Hi Jim, et.al.:

I did a little research and talked to Leo Cakounes regarding the above complaint. ~In order to get an agriculture exemption you need to have five (5) or more acres of land or two (2) or more acres of land selling more than \$1,000 of agriculture product annually (MGL Chapter 40A, Section 3 Revised). ~To my knowledge the owners of the offending rooster do not meet either of these criteria for an agriculture exemption; therefore, the agriculture exemption in the new Town Noise Bylaw would not apply to the rooster's owner. ~With this in mind, I would suggest that A/C Officer Jack Burns contact the rooster's owners regarding this issue and give them an appropriate amount of time to mitigate the offending foul after which failing to comply could result in a Noise Bylaw violation citation providing that the neighbors being offended are willing to testify in court. ~I think this is a short-term solution to the issue of setting land requirements for maintaining farm animals,

i.e. horses, sheep, cows, roosters, etc.; however, consideration needs to be given to individuals with smaller numbers of hens, rabbits, etc. that do not offend the peace and quiet of neighbors. ~Please let me know if you have any questions, comments, or need further information.

*The Board agreed that Chairwoman Cebula and Mr. McManus would represent the Town at the liquor license appeal hearing of Stop & Shop at the ABCC.*

## **ADJOURNMENT**

Mr. Ballantine moved to adjourn at 9:08 p.m. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel  
Recording Secretary