

Board of Selectmen Minutes

05/20/2013

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, MAY 20, 2013
7:00 P.M.**

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

OTHERS PRESENT: Town Administrator James Merriam, Ginny Hewitt, and others.

MEETING CALLED TO ORDER at 7:08 p.m. by Chairwoman Linda Cebula.

PUBLIC COMMENT/ANNOUNCEMENTS

Chairwoman Cebula reported that the Board had just come out of Executive Session where they were discussing collective bargaining and litigation.

CONSENT AGENDA

- Approve Minutes –
- April 29, 2013 Regular Meeting
 - 2. May 7, 2013 Regular Meeting
- Vote to send Certificates of Recognition in honor of Council on Aging Volunteer (s) of the Year and delegate Selectman to attend
- Vote to approve Caleb Chase Fund Request in the amount of \$700
- Vote to approve recommendation of the Interview Subcommittee to fill various committee vacancies
- Vote to declare the old Recreation Department van as surplus
- Vote to approve renewal of Junk Dealer license for Syd's A&J
- Vote to approve application by Harwich Cranberry Festival for craft fairs on July 5th through 7th, August 10th & 11th, and September 14th & 15th

Vote to approve Housing Committee's recommendation to suspend American Dream I & II and return the funds

Mr. Hughes moved approval of the Consent Agenda with the exception of Item E per Mr. Ballantine's request. Mr. Ballantine seconded the motion. Mr. McManus said he was

recusing himself from voting on the Consent Agenda. The motion carried by a 4-0-0 vote.

Mr. Hughes moved to expand the membership of the Middle School Repurpose Committee from 11 to 13 members. Mr. Ballantine seconded the motion. Mr. McManus noted that this item was not noticed on the agenda and there is no time constraint. Mr. McManus moved to table the item until next week. Chairwoman Cebula suggested holding this item until Mr. Giorgio comes in. Mr. Ballantine withdrew his second on Mr. Hughes' motion. Mr. Hughes did not withdraw his motion. Mr. Ballantine seconded Mr. Hughes' motion again. Mr. LaMantia suggested that if the Board appoints the two candidates that have been interviewed to the Middle School Repurpose Committee with the indication that if indeed in several weeks the determination is to add Finance Committee members, they can then vote to enlarge the Committee. Mr. Hughes agreed. Mr. Ballantine moved to accept Mr. LaMantia's language and go forward. Mr. Hughes seconded the motion and withdrew his original motion to expand the Committee and Mr. Ballantine withdrew his second on Mr. Hughes' original motion. No vote was taken. Mr. Hughes moved the following appointments as recommended by the Appointment Committee: David Harris to the Planning Board, Alternate Member for a three year term; Jacqueline Etsten as the Cape Cod Commission Representative to a term to expire on April 24, 2014; Tom Themistos, Waterways Committee, Regular Member to a three year term; John Preston to the Real Estate and Open Space Committee for a three year term; Judith Underwood to the Middle School Repurpose Committee for an indefinite term; and Jannell Brown to the Middle School Repurpose Committee for an indefinite term. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

OLD BUSINESS

A. Facilities Maintenance Manager – *discussion and review of Job Description*

Mr. Hughes provided a job description that the Town of Duxbury uses as he felt the one that was presented to the Board was more for a working foreman rather than a professional position. The Board agreed to review it and provide input to Mr. Hughes and bring back in two weeks.

B. Cape Light Compact Streetlight Retrofit Project Agreement – *discussion & possible Vote*

Mr. Merriam reminded the Board that they had asked if any of the bylaws or Board's policies would be impacted by this new program and he said everything he has looked at looks like its either exempt or in compliance. Mr. McManus read language as follows

from the Outdoor Lighting bylaw: “any such lighting shall be placed and directed so as to minimize the detrimental effects of glare from abutting lots.” He questioned if we are adjusting the fixtures to minimize glare from abutting lots. Mr. Hughes stated that the product data sheets are needed and Mr. McManus requested them for both the new and old fixtures. The Board agreed to bring back this item next week.

NEW BUSINESS

- Release 2007 Executive Session minutes as recommended – *discussion & possible vote*

Mr. Ballantine moved to release the Executive Session Minutes Master List 2007 as listed. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

- Letter to Representative Peake regarding ATM Article 38 Charter change – *discussion and possible vote to sign*

Mr. Hughes moved to send the letter. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

- Draft Inter-Municipal Agreement with Chatham for Wastewater Collection, Treatment and Disposal – *discussion & possible vote*

Mr. McManus noted that the blanks in the document will not be ready to be filled in until we are at a more advanced level of construction and rather than to continue to tighten up this document we should probably be doing a Letter of Intent instead. Mr. Merriam suggested a representation of Harwich meet with Chatham and it should include a Selectman, the CDM Engineer, himself and Town Counsel and that they should use this document as a template for starters. Mr. LaMantia said that Mr. Ballantine is the person who needs to do that and moved as such. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

TOWN ADMINISTRATOR’S REPORT

Mr. Merriam delivered the following report to the Board:

Senate Ways and Means Budget (see attached MMA description of accounts)
The Senate Ways and Means level funded Harwich’s unrestricted Aid at \$364,333, which is the same amount that I budgeted and that Governor Patrick included in his

House 1 Budget, but \$8,612 less than the House approved budget of \$372, 945. The Senate W/M funded Monomoy's Chapter 70 at \$2,506,360, the same as the House.

Habitat for Humanity

Habitat will be holding a Community Meeting on Wednesday, May 22nd from 7-9pm in the Community Center to discuss their proposal to build at 1092 Oak Street. The neighborhood has been notified.

Allen Harbor grant

Staff's goal will be to find a way to accept State Access Board grant to add new bulkhead and install porous paving parking lot. This will require addressing the Allen Harbor Marina lease.

Harwich Middle School award

FYI- Just to let you know if you are not now aware, on June 5 in Boston, statewide Energy Education Awards Ceremonies will be held. Harwich Middle School will be awarded First Place in the Special Projects Category . A really nice honor. I will be attending for Cape Light Compact
B Worth

Squinequit Road

I spoke to petitioner Joe Seidel and encouraged him to contact Engineer John O'Reilly to start the design/ bid package for the private road improvements.

ZBA proposed rules

Please find the Zoning Board of Appeals Rules and Regulations (on web) which are being formally presented and voted to be put into place at the upcoming BOA meeting May 29, 2013. Please review and advise of

any comments.

Deborah Mason, Clerk
Zoning Board of Appeals

Street Sweeping compliment

Attached please find a letter from Walter Felice commending street sweeper operator Steve Hersey for going about and beyond the call of duty.~ Although it is always great to receive this type of positive feedback, our sweeper operators always do a fantastic job and take tremendous pride in their work.
Link~

Chatham Treatment Plant MOA

Jill Goldsmith and I are prepared to start the negotiations for an MOA regarding Harwich connecting to the Chatham Treatment Plant. I am recommending that the Harwich team consist of a Selectman, CDM Engineer David Young, Town Counsel John Giorgio and myself. I have a draft MOA provided by John to start the discussions. Chatham Town Counsel is available starting June 3rd.

Legal opinion re: FinCom members serving on other Boards

John Giorgio is available on June 17th to discuss his FinCom membership opinion in further detail as well as provide you with a Litigation update in executive session and discuss Board decision training. Please forward any additional questions pertaining to his FinCom opinion.

Street lighting upgrade

Attached is a list of questions and answers pertaining to the conversion as provided by the Cape Light Compact. _

Covanta term sheet (June 30th acceptance)

Attached please find the latest negotiations with Covanta for a ten year contract with waste disposed at their Semass facility.

Attached please find a proposed Term Sheet outlining the major terms negotiated with Covanta/SEMASS.

As you can see, the amount of tonnage aggregated by the group will determine the final tip fee. ~I am hopeful that most participating towns will get contract authorization at Spring Town Meeting and sign contracts by June 30 of this year. ~(The Term Sheet recognizes that some towns will need to go to Fall Town Meeting.) I am working with DEP to identify additional towns that may add their tonnage to the aggregate to reduce tip fees.

The Term Sheet requires the towns to provide a guaranteed tonnage, however, in order to promote recycling and waste reduction, the Term Sheet allows us to aggregate tonnages to avoid tripping a shortfall, and also allows us to produce below the guaranteed tonnage requirement to 80% of the guarantee.

I want to thank John Giorgio, Jim Merriam, and Sims McGrath of my negotiating group for all of their hard work.~ I also want to thank Covanta representatives Tom Cipolla, Steve Diaz, and Brad Howe for their hard work and willingness to discuss optional approaches for the negotiated terms.

I will be out of the office on Monday, May 6th, but I invite you to call my direct line at

508-744-1212 if you have any questions.

Patty

Muddy Creek grant update

I have attached a brief memo regarding the Muddy Creek land protection measures we discussed. This memo is requesting that the Board authorize funds for appraisal services.

I am preparing a scope for appraisal services which could be issued later today. Would you like me to request the quotes on the town's behalf, or should that go through Town Hall?

Carole

Memorandum

To: Jim Merriam

Fr: Carole Ridley

Date: May 14, 2013

Re: Muddy Creek Grant Proposal

The purpose of this memo is to update you on the land protection portion of the grant application to the National Coastal Wetlands Conservation Grant Program (US Fish & Wildlife Service). This grant is to be submitted through the Massachusetts Division of Ecological Restoration with the Town of Harwich as sub-grantee of the grant. The proposal, due in June, will request \$1 million in funds for the construction of the Muddy Creek Restoration Bridge. The Towns of Harwich and Chatham each have committed \$187,500 in cash match toward the grant.

Through conversations with USFWS, we have learned that in order to be competitive we need to include land protection measures.

As discussed at our May 2nd project team

meeting, the proposed land protection measures include the following:

1. Donation of Conservation Restrictions (CRs) by the Chatham Conservation Foundation (CCF) on certain parcels it owns on Muddy Creek. The CRs would be jointly held by the Town of Harwich Conservation Commission and Harwich Conservation Trust. This request is under consideration by CCF.

2. Donation of the fee value of the 35-acre Marden Klein property on Muddy Creek as grant match. This property consists of two parcels under control of the Conservation Commission and, therefore, protected under Article 97. This donation would not alter the fee ownership of the property. Any future use of the property would require approval by USFWS as being consistent with the purposes of the grant.

I propose to request bids from qualified appraisal firms to provide the following services:

- Prepare an appraisal to USPAP standard of the Marden Klein property (Tax Map 88, lots A-1 and B-1)
- Prepare a valuations and/or waiver valuations of CRs placed on parcels owned by CCF, in compliance with federal standards.

I will provide you with any bid responses I receive. I am requesting that the Board of Selectmen authorize the expenditure of funds up to a specified amount to pay for appraisal services based on a proposal from a qualified bidder.

Cc: Bob Duncanson

Jill Goldberg
Larry Ballantine

Animal Planet offer

Jeremy Gringas received an inquiry from Animal Planet yesterday if we'd be interested in their building/filming an extreme treehouse in Town. Jeremy was thinking of an area in the Brooks Park hollow/ playground area. I mentioned to him your newly hired Brooks Park landscape architect could assist. They want an answer within next two weeks.

ADJOURNMENT

Mr. Ballantine moved to adjourn at 9:16 p.m. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary