

Board of Selectmen Minutes

12/03/2012

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, DECEMBER 3, 2012
7:00 P.M.**

SELECTMEN PRESENT: Cebula, Ballantine, LaMantia, McManus

OTHERS PRESENT: Town Administrator James Merriam, John Rendon, Ginny Hewitt, Mary Warde, Robin Wilkins, Bob Bradley, and others.

MEETING CALLED TO ORDER at 7:05 p.m. by Chairwoman Linda Cebula.

CONSENT AGENDA

- Approve Minutes
 - November 19, 2012 Regular Session
 - November 26, 2012 Executive Session
 - Vote to approve the Application for Change to the Liquor License for the 400 East Restaurant, 1421 Orleans Road, East Harwich, Gail Sluis, Manager
 - Vote to approve 2013 Annual General License Renewals as recommended
- Mr. Ballantine moved approval of the Consent Agenda. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

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

A. Annual Meetings with the Board of Selectmen

1. Brooks Library Trustees

Mary Warde provided the annual report of the Brooks Library Trustees and Ginny Hewitt provided an update on services.

- Public Hearing – Fish Weir Permits
- Mr. Ballantine read the public notice into record. No one from the public appeared before the Board. Ernie Eldredge of Monomoy Trap Company explained the process for

renewal noting that after Board of Selectmen approval the applications go to various state agencies for approval. Mr. Rendon stressed that the weirs must be properly lit and said he would work with the Coast Guard to issue notices to mariners. Mr. McManus moved to close the public hearing. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote. Mr. McManus moved that we grant fish weir permits for Trap #289R to Monomoy Trap Company and Trap #239R to Nantucket Sound Fish Weirs, permits to extend to March 20th and 29th of 2017 respectively. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

NEW BUSINESS

Chairwoman Cebula read the following proposed letter to Serena S. McClain at American Rivers in Washington, DC regarding the Muddy Creek Restoration Bridge Grant Submission

The Town of Harwich is pleased to submit this grant application to the American Rivers program for consideration. This project is being undertaken cooperatively by the Towns of Harwich and Chatham. Both towns have signaled their commitment to this project by allocating funds for engineering and permitting, and entering into an inter-municipal agreement to establish cost sharing and project oversight

The Muddy Creek Restoration Bridge is a critical project that will restore natural tidal flushing between Muddy Creek and Pleasant Bay. In doing so, the project will protect in perpetuity significant wetland acreage, including freshwater wetlands, marine/estuarine wetlands and riverine wetlands. More than 55 acres of critical wetlands and fisheries habitat will be restored by the project, including habitat for quahogs, American eel, and Alewife. Habitat for the North American flyway also will benefit from this restoration.

In addition to the Town of Chatham, we are fortunate to have support and technical guidance from the Massachusetts Division of Ecological Restoration, and the Cape Cod Conservation District. Over the past decade the Towns, in concert with the Pleasant Bay Alliance and our partners, have thoroughly evaluated restoration alternatives, and the potential costs and benefits of the Muddy Creek Restoration Bridge alternative. We believe this is a vital and cost effective plan to restore fish passage and critical habitat.

Please let me know if we can provide any additional information to assist in your review of this application.

Thank you for your consideration.

Sincerely,

Linda A. Cebula, Chair
Harwich Board of Selectmen

At Mr. Merriam's recommendation, Mr. Ballantine moved to approve the letter. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

PUBLIC HEARINGS/PRESENTATIONS - *Continued*

A. Annual Meetings with the Board of Selectmen

2. Middle School Repurpose Committee

Mr. Wilkins provided the annual report of the Middle School Repurpose Committee.

3. Historical/Historic District Commission

Mr. Bradley provided the annual report of the Historical/Historic District Commission.

TOWN ADMINISTRATOR'S REPORT

Mr. Merriam delivered the following report to the Board:

FY 14-20 Capital Budget

The Capital Outlay Committee met on November 27th and voted to approve the seven year plan. They will now prepare a narrative and presentation for Selectmen and Finance Committee for December 10th. They are favorable to using the County Dredge for the 8,000 c.y. in the Allen Harbor mooring field, however, I believe it would require a supplemental appropriation given that the current authorization is committed to contractor Burnham.

Budget timelines

As per your request, please find attached current and proposed timelines for the budget process. As we've already discussed, a re-alignment of dates is required to provide the Town Administrator sufficient time to prepare a balanced budget with all pertinent information at hand.

E-Mail from Sheriff Cummings

Dear Steering Committee Members,

The Sheriff's Office is moving forward with our own expansion plans. Our goal is to increase the capacity of our Communications Center to be able to handle call answering and dispatch services to any town, police or fire district who requests us to do so. We do not see the need for a competing center in Barnstable County as the Sheriff's Office has been successfully operating ours for decades. We have the infrastructure, technology and employees trained and prepared to grow. As the 911 Dispatch Committee is clearly headed in a direction which is contrary to our expansion plans, it would clearly be a conflict of interest for me and my employees to continue to attend the meetings of the 911 Dispatch Committee.

Sheriff Cummings

Back Nine lease termination

Gentlemen, good morning!!

I am just reaching out to finalize plans for the end of the year and lease termination.~ Both Nick and I have signed the document and we are just anxious to tie up loose ends.~ We wanted to be sure that it was okay for us to leave our equipment in the restaurant until the next vendor was determined so that we can find out if they are interested in purchasing any of our equipment from us.

~

Alternately, Nick wanted me to inquire whether or not the town was interested in purchasing and incorporating any of these items into the list of items offered to the next vendor as a turn key operation.~~ Items such as.....

~

- ~kegorator for draft beer
- ~beer fridge
- ~freezer in the basement
- ~(6) chandeliers that we purchase
- ~(2) flatscreen tvs
- ~ cash register
- ~~credit card machine
- ~ china, glassware, flatware
- ~ kitchen small wares
- ~ kitchen shelving and low boy

~

I know that I am forgetting a bunch.~ Please just let us know your thoughts.

~

Thank you for your time and consideration!!

Antonella

Back Nine Cafes, Inc.

Harbormaster Rescue Boat

As you know I had to return the Chatham boat a couple of weeks ago, so the only boat that I have available is the Commander.~ As I've said since I arrived, the Commander is not the proper emergency response asset for a variety of reasons.~ Now that we are in the winter months, the number of emergency/assistance cases is significantly less, however, when we do get a case it is typically a more serious and challenging one.~ So I remain concerned about our operational readiness.~ While I know we won't be able to get a new boat for this winter season, we need to have it prior to next boating season.~ Chatham has been very generous in allowing us the use of their boat, but I don't want to take advantage of their support.

I have been working with Eastern Boats in Milton, NH who has a 28' boat that I am very interested in... I plan to drive up on Friday to take a look at the hull.~ They also are interested in working a trade for the Commander, and I hope to have them come down next week to give me an estimate.~ If possible I would like to purchase the boat in time to have it in service for next boating season.~ We need to have the right assets and training to be ready for the challenging emergency cases that will occur.~

As far as BOB is concerned, I wouldn't recommend investing any money in trying to get it back in service... it is definitely not the right resource, nor materially sound for winter operations.

v/r, John

Allen Harbor Dredge update

Cape Cod Disposal site:

I also received an update from Congressman Keating's Office re: the Cape Cod disposal site that Mr. Norm ~Farris indicated that he received the requested information from Burnham Associates last Wednesday. He must coordinate with DEP, who normally takes 2 weeks. Norm will attempt to expedite answer within 1 week. Jim

Time of Year Extension

We are preparing an application to file by Dec. 21st. There have been substantial contributions by Coastal and Burnham to this application. We need a marine biologist to document the winter flounder in the harbor and whether floor temperatures drop below 40 degrees. (It's currently 48) I have authorized EcoAnalysts, Inc from Woods hole to perform monitoring and report. See proposal from Director Pamela Neubert.

County Dredge project for Allen Harbor (See attached local and State ConCom Order)

Amy,

I have read and fully understand the Order of Condition... I have no concerns and I will insure compliance with all general and special conditions listed. Thanks.

regards,
John Rendon
Harbormaster

From: Amy Lipkind [<mailto:alipkind@coastalengineeringcompany.com>]
Sent: Monday, November 26, 2012 9:32 AM
To: jrendon@town.harwich.ma.us
Cc: Don Munroe
Subject: C16678.01/Order of Conditions - Earle Rd & Pleasant Rd Beach parking lots dewatering SE 32-2134

Re:~~~~~ Authorization to Record Order of Conditions

Proposed Dredge Material Dewatering Sites

Town of Harwich

Earle Road Beach & Pleasant Road Beach Parking Lots

Harwich, MA

~~~~~ Map 5 Parcel D3 & Map 2 Parcels B1-18, B1-19, & B1-20

~~~~~ DEP File # SE 32-2134

~

Dear Mr. Rendon:

~On November 21, 2012 the Harwich Conservation Commission issued an Order of Conditions for the above-referenced project attached is a copy for your review.~ Under the Wetlands Protection Act 310 CMR 10.05, an Order of Conditions has a ten (10) business day appeal period from the date of issuance.~ We have the original document and will record the document at the Barnstable Registry of Deeds after the expiration of the appeal period unless we hear otherwise from you prior to this date.

It is important that you read and understand the Order of Conditions including Special Conditions and you notify us promptly and prior to the lapse of the appeal period, if this document is not acceptable to you.

Please note that no construction can begin until the document has been recorded at the Barnstable Registry of Deeds and the recording receipt forwarded to the Harwich Conservation Commission.

If you have any questions, or need further assistance, please contact our office.~

Amy Lipkind

Coastal Engineering Company, Inc.

Nate,

MassDEP has reviewed the proposed changes (acceptance of 8000 yd.³ rather than 26,000 yd.³ of dredge from Allens Harbor) to the beneficial use determination permit application approval (transmittal #: X233988) and Beneficial use determination modification approval (transmittal#: X239182) and determined that a permit modification

application is not required.

~

General permit condition IV. B. of MassDEP's September 2, 2010 and August 30, 2011 beneficial use determination permit application approvals required that MassDEP be consulted prior to any deviation from the proposed design. MassDEP has determined the proposed changes do not require a permit modification.

~

Additionally, MassDEP does not require the installation of a new monitoring well or the long term stream sampling at this time (Refer to transmittal: X233988, condition #V.(I) & (J). In all other respects the town shall comply with MassDEP's September 2, 2010 and August 30, 2011 permit application approvals. Please note, if the town intends to accept additional marine dredge at this location a new monitoring well and stream monitoring will be mandatory. If you have any questions don't hesitate to contact me.

Mark Dakers, Acting Chief
Solid Waste Management Section
Massachusetts Department of Environmental Protection

Community Innovation Challenge Grant Application

John Rendon requested and I executed an eleven town application entitled Cape Cod Great White Shark Research and Outreach Program.

Finance Committee Meeting

Finance Committee met on Nov. 28th and discussed potential Charter changes, written FinCom positions /recommendations regarding articles, whether to insert Selectmen positions too.

Appointment Process Revised

As per comments from the Board's last discussion, I have bolded the changes offered.

Red River Beach revetment project- east end

Just to let you know, DEP is going to be appealing the Conservation Commission's decision to extend the rock revetment at the east end of Red River Beach.~ There will be an onsite meeting at 1:30pm on December 4.~ They state that you cannot build a revetment to protect a parking lot, just a building.~ This is true, however this is adding onto an existing structure and not building a new one.~ Adding onto it was also mentioned as a potential alternative in the technical assistance report completed by the Cape Cod Cooperative Extension for us last year.~ You are invited to attend the meeting if you can.~ It is the same day as our ConsComm meeting.~ We will have regular site visits at 9am that day as well.~ These morning site visits will be very brief as we just have 2 new hearings.

Amy Usowski
Conservation Agent

CWMP

Attached is a memo from the Wastewater Implementation Advisory Committee dated November 19th which offers comments on the draft plan. This memo incorporates the CDM comments from the first WIAC draft.

Loader back in service

I wanted to let you all know that the re-manned engine has been installed in the Disposal Area's L-90 front end loader and it appears to be working fine.~ Thank you each for your support~of the \$19k Emergency Fund Transfer for the engine.~ It's been a tough year~thus far for~vehicle maintenance and this transfer really help.~~Thanks again,
Link~

Group Benefit Strategies, representing CCMHG response to CC Times article in which Town of Barnstable has cost group more than their proportionate premiums

You've probably seen the *CC Times* Opinion page letter titled "Health group subsidizing Barnstable", written by Barry Eyre (see attached) in which he criticizes the CCMHG for not charging higher rates to employers with higher claims costs.~ We will soon be sending CCMHG employers a full response to the article which you can use with your Boards, if needed. ~

Mr. Eyre sent out an email to CCMHG employers today also mentioning savings to be had from changes to senior plans.~ The CCMHG Steering Committee has been working on certain changes to the Rx benefit on some senior plans and will be ready to present proposals at either the January or spring Board meeting.~ If you have any questions, please give me a call or email me.

Carol G. Cormier, MHA, LIA
Vice President
Group Benefits Strategies

LED Streetlighting Program

FYI, due to delay in materials order/delivery due to high demand for LED products and year end business rush we are now looking at January 2013 start of installation. I will keep folks updated as we know more.

Kevin Galligan~~ (508) 255-2036
Energy Efficiency Program Manager
Cape Light Compact

Muddy Creek Bridge –cost estimate

I just spoke with Jeremy who recently had been in touch with a wetlands biologist from MassDoT who recently visited the Muddy Creek site. The wetlands biologist shared some perspectives that I think you should be apprised of. ~ His opinion was that the cost estimate we are working with is grossly underestimated, and the cost of a single span bridge could be \$10-30 million. ~That is his opinion based on projects he has been involved with and not any specific analysis, but I think it is a big enough difference that we should investigate this further. ~After speaking with Jeremy, the suggestion is to contact Dan Crovo, DoT bridge engineer, and mention that we got this feedback and ask if he would give us his opinion. We would then decide what to do with his feedback. ~A further step could be to ask the engineering consultant, once hired, to review the alternatives and cost analysis prepared by FAO, and see if they concur. ~If there are still significant differences we could re-evaluate the design concept.

Another point raised by the biologist is the possibility of getting the bridge on the TIP list for the region. ~According to the Commission's website, there needs to be some deterioration in order to qualify. ~We do not have a structural analysis of the current road/culvert system to know if there are any issues. ~I will pursue this with a phone call to the Commission to inquire about the procedure for getting on the TIP.

Carole Ridley

SELECTMEN'S REPORT

Chairwoman Cebula moved to adjourn at 8:47 p.m. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

ADJOURNMENT

Respectfully submitted,

Ann Steidel
Recording Secretary