

Board of Selectmen Minutes

12/10/2012

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, DECEMBER 10, 2012
7:00 P.M.**

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

OTHERS PRESENT: Town Administrator James Merriam, Chief Mason, David Ryan, John Rendon, Richard Larios, Skip Patterson, Pete Wall, Jack Brown, Joe McParland, Richard Waystack, John Burke, and others.

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

WEEKLY BRIEFING

- Introduction of Reverend Tiffany Nicely Holleck as new Police Chaplain – *Chief Mason*

Chief Mason introduced Reverend Tiffany Nicely Holleck and welcomed her as new Police Chaplain.

CONSENT AGENDA

- Approve Minutes - November 26, 2012 Regular Session
- Appoint Reverend Tiffany Nicely Holleck as Police Chaplain
- Vote to approve Chapter 90 request for Route 124 design work
- Vote to approve Mooring Service Agent permit renewals as recommended
- Vote to authorize Town Administrator to sign renewal of Executive Office of Elder Affairs grant
- Vote to approve application by Village Crafters of Cape Cod for craft fair to be held on July 25, 2013 at Brooks Park
- Vote committee appointments as recommended
- Vote to approve 2013 Annual General License Renewals as recommended
- Vote to approve 2013 Annual Liquor License Renewals as recommended

Mr. Hughes moved approval of the Consent Agenda. Mr. Ballantine 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. Wastewater Implementation Committee

Ted Nelson provided the annual report of the Wastewater Implementation Committee.

2. Real Estate & Open Space Committee

Richard Waystack provided the annual report of the Real Estate & Open Space Committee.

3. Zoning Board of Appeals

John Burke provided the annual report of the Zoning Board of Appeals.

- Presentation of 7 Year Capital Plan by Town Administrator – *joint meeting with Finance Committee and Capital Outlay Committee*

Mr. Larios and Mr. Merriam provided a presentation of the 7 Year Capital Plan (see attached) and took questions and comments from the Board. Mr. McParland invited the Board to join the Capital Outlay Committee in making site visits related to the various items on the Plan.

NEW BUSINESS

- Supplemental Allen Harbor dredging – *discussion/possible vote*

Mr. Merriam outlined the following memo to the Board:

As you are aware, a pre-dredge survey first conducted by Coastal Engineering in late August and confirmed by CLE Engineering in September, determined that there was greater than 40,000 c.y. of material to be dredged from Allen Harbor to reach a uniform depth of seven feet. However, the budget article and the dredging contract were drafted based on the 40,000 c.y. estimate. CLE Engineering, who was retained to prepare the pre and post survey templates after the volume error was discovered, calculated a new volume of 50,133 c.y. of material to be removed. In order to stay within the Town Meeting authorized borrowing, CLE Engineering was instructed to prepare a new template of work by eliminating 8,000 c.y. of material in the southwest mooring field. Thus, the final work template submitted to Burnham Associates by CLE Engineering, was based on

removing 42,133 c.y (50,133 -8,000). Attached is a spreadsheet which identifies Project revenues and commitments. Based upon current information, it is believed that there are sufficient funds available to contract with the County Dredge to remove the final 8,000 c.y. from the southwest corner. In addition, we believe that all the necessary State and Local permits are in place to proceed. The County Dredge is subject to the same Time of Year restrictions as is Burnham – January 15th unless extended. Wayne Jaedtke, has confirmed with Harbormaster John Rendon that the County Dredge is available for the first two weeks of January, the time he estimates is required to dredge the 8,000 c.y. Therefore, we recommend that the Board of Selectmen authorize the Town Administrator to proceed with a contract with the County Dredge to remove and properly dispose of 8,000 c.y. of material from the Allen Harbor mooring field.

The Board discussed the Highway Director's concerns about the parking lot and Mr. Jaedtke said they could take over the whole parking lot which would lessen the height of the dikes. He noted that it would speed up the drying process as well. Mr. Jaedtke questioned if the Highway Director has a watering content he has to meet. Mr. Merriam responded that we would like it to dry as much as we can. Mr. McManus asked what the drying method is and Mr. Jaedtke responded that it is evaporation and runoff. Chairwoman Cebula commented that people may climb on it and questioned how hazardous this is. Mr. Jaedtke responded that they should fence the entire area. He added that 90% of the smell will be while they are pumping. Mr. Hughes questioned if we are on good legal ground as we have a contract with Burnham. Mr. Merriam responded that our contract is unit based and the area of the county dredge is outside the template we gave Burnham and he is fully aware of this. Mr. McManus moved to direct the Town Administrator to prepare whatever documents are necessary to authorize the county dredge to dredge the mooring field in Allen Harbor and authorize the Town Administrator to sign the documents. 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:

State Budget cuts /Local Aid

See MMA Bulletin - Harwich receives in FY 13 \$364,333 in Lottery Aid.

Tracking Burnham's scows

No both scows are still enroute to the dump site.~ Tug VOLAN departed around 1:00am on Wed morning but had to hold up just west of the canal because of poor sea conditions, and tug PATRICK HUNT departed yesterday early afternoon and they got through the canal but had to hold up on the east side due to weather as well.~ Both tugs are back

underway, but Ted doesn't expect that they will be back ready to load until early Sat morning.~ If you go to the following link called Marine Traffic you can see the track of the two tugs: <http://marinetraffic.com/ais/>

John and I met with Ted from Burnham on 12/3. Ted reported that 7800 c.y. removed. We are seeking letters of support from AHYC and Marina re: TYE and CC Disposal site. I spoke to ACOE, who thought decision was imminent.

Marine biologist Pam Neubert assisting with TYE

Hi Everyone,

Here is a brief summary of my discussion with Ken Chin at MA DEP today.~ Ken was very helpful.

Notes:~ 12/5/12

- Talked with Ken Chin MA DEP about Town of Harwich Allen Harbor Dredging TOY restriction for winter flounder
- Make sure we document Hurricane Sandy "Super-Storm" caused problems
- Make sure to complete our application with as much justification and have an accurate estimate of time to complete work
- Ken has no problem with permitting a time of year extension for the inlet channel side slope dredging
- He will not permit extension to February 28th.~ Craig must provide a best estimate of how long dredging extension is needed.
- Must prepare waiver extension documentation so Ken can take information to DMF to get extension for "embayment".
- Ken will help us with DMF to get some sort of extension
- Must provide Ken with dredge map showing cuts (map we reviewed yesterday), volume that will be dredged from inlet channel, and realistic and best estimate for amount of time needed for extension
- He will not grant TOY extension waiver for 8,000 cubic yards going to dewatering facility (parking lot) to be done by County dredger

Please send the electronic version of map, dredge amount from inlet channel, and the realistic estimate to me and I will relay to Ken and will keep everyone updated.

Pamela Neubert, Ph.D.

Director, Marine Sciences

EcoAnalysts, Inc. – L I F E I N ~ W A T E R

WQTF

Chairman Peter De Bakker has written to Senator Wolf and Representative Peake informing them of Hinkley Pond's water quality deterioration and to seek funding assistance.

Regional Bike signage

The CCC and CCRTA collaborated to implement uniform bicycle signage across the Cape. 250 bike signs will be installed Cape-wide by year's end. (see guidelines on file)

Beach Nourishment

Coastal Engineering has filed with MEPA an Environmental Notification Form re: Nourishment between Beach Road to Pleasant Road. (on file)

CCMHG response to Cape Cod Times Editorial re: Barnstable costs vs premiums

I have attached the response to the *Cape Cod Times* opinion letter of 11/28/12.~

Muddy Creek Bridge

Attached are questions and draft answers from the Site visit. Please read the issue we talked about on 12/3 regarding pedestrian access/ fishing off bridge.

Harwich, England website link

Hi James,

Just a quick email from your twin Town of Harwich, England U.K.

I own and operate the website for Harwich, England. After recently completing a major site upgrade I took the opportunity to add a link to your wonderful website. Our website can be found here: <http://www.harwich-essex.co.uk/>

And the link to your site here:

Mark Rowley

Harwich Community Website

Red River Revetment update

Below is an update regarding the site visit with DEP yesterday at Red River Beach as they are appealing the Conservation Commission's decision to approve to extend the revetment at the east end of Red River Beach.

On December 3 the Mass Department of Environmental Protection held an onsite meeting at the East End of Red River Beach as they are appealing the Commission's decision to approve the project under the Massachusetts Wetlands Protection Act.~ Linda Cebula, Amy Usowski, Robert Cafarelli, and John Rendon were present on behalf of the town.~ Conservation Commissioners Dean Knight, Walter Diggs, and John Rossetti were also present.~ Jim Mahala from Mass DEP conducted the site visit and asked questions.~ He informed everyone that DEP does not grant approvals for revetment extensions that

protect parking areas, just revetments built for the protection of building built prior to when the Mass Wetlands Protection Act was enacted.~ It was explained to him that the town and the conservation commission viewed this project as maintenance and extension of an existing structure that was built by the Army Corps of Engineers way prior to any regulations being put into place, in the early 1900s.~ We also detailed for DEP all of the 'soft' solutions that the town has attempted over the years to slow down the end scour in this location.~ From 2002-2010 the town would place codium mixed with sand in this location, but it became a concern of several town citizens that this was producing foul odors and perhaps filling in the mooring field in Red River as well as having an adverse impact on shellfish habitat and saltmarsh.~ This practice stopped in 2010.~ In 2011, the erosion was so severe that there was only about 3' between the parking lot and a 10' drop.~ At this point, I issued an Emergency Certification (which you can do to protect public health and safety) to place 300 burlap sand bags in the scoured area and cover them with sand.~ Soft solutions are all DEP allows to be done in an emergency situation, so rocks could not be placed.~ Over the past year, the town has pursued extending the rock revetment, and the conservation commission approved of the project in November with conditions.~ As of right now, DEP has not issued a Denial Order for the project, but has appealed it.~ If they do issue a denial of the project, the town will have to decide whether to appeal this denial to the DEP appeals court, to continue to attempt soft solutions, or to abandon this end.~ If anyone has any questions please feel free to contact me.

Amy Usowski
Conservation Agent

ADJOURNMENT

Mr. McManus moved to adjourn at 8:53 p.m. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary