

# **Board of Selectmen Minutes**

## **12/17/2012**

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, DECEMBER 17, 2012  
7:00 P.M.**

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

**OTHERS PRESENT:** Town Administrator James Merriam, Supt. Carolyn Cragin, Kent Farrenkopf, Brian Widegren, John Mahan, Eric Beebe, David LeBlanc, Richard Larios, Pam Groswald, John Sennott, Peg Rose, and others.

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

### **EXECUTIVE SESSION**

Chairwoman Cebula reported that the Board had just come out of Executive Session where they considered the purchase, exchange, lease or value of real estate.

Chairwoman Cebula called for a moment of silence for the victims of the recent tragedy in Newtown, CT.

### **WEEKLY BRIEFING**

Mr. McManus called for a moment of silence on the passing of former Insurance Committee member Hank Drewes.

### **PUBLIC COMMENT/ANNOUNCEMENTS**

- Certificate of Recognition – Jack Brown

The Board presented Jack Brown with a Certificate of Recognition on the occasion of his retirement from the Community Preservation Committee and in recognition of the numerous other committees he served on.

### **CONSENT AGENDA**

- Approve Minutes – December 3, 2012 Regular Meeting
- B. Vote to approve application for 21<sup>st</sup> Annual Miles of Memories Walk for May 19, 2013
- C. Vote to approve 2013 Liquor License renewal for Kedja, Inc. d/b/a Andale! Café, 703 Main Street, Harwich contingent on passing Fire Department inspection
- D. Vote to approve 2013 renewals of Innholders, Sunday and Weekday Entertainment Licenses for Cape Cod Claddagh Inn & Irish Pub, 77 Route 28, West Harwich as recommended

Mr. Ballantine moved to approve the minutes of the December 3, 2012 regular meeting. Mr. McManus seconded the motion and the motion carried by a 4-0-1 with Mr. Hughes abstaining from the vote.

Mr. Hughes moved to approve Consent Agenda Items B, C and D. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

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

- A. Public Hearing – Joint meeting with Finance Committee, Capital Outlay and Selectmen on FY 14 – FY 20 Capital Outlay Plan

Mr. Patterson of the Finance Committee chaired the hearing. He read the hearing notice into record. He noted that the approved seven year Capital Plan is available on the website. With no comments from the Board of Selectmen, Capital Outlay Committee, Finance Committee or Town Administrator, Mr. Patterson opened the floor for public comment. No one from the public appeared to give input.

Mr. Merriam stated that there was a vote by the Board of Selectmen last week at his request to delete one of the items which involves the \$600,000 request for the Phase 2 Allen Harbor Dredge. Under the plan it called for \$1,100,000 in debt exclusions and should be changed to \$500,000.

With no other comments, Mr. LaMantia moved to close the public hearing. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

- B. Presentation on contracting maintenance services – Cape View Property Services

Mary Cotoia of Cape View Property and Management Services described the services her company provides including inside and outside facilities maintenance, hiring

subcontractors, financial management, renovations, expansions and upgrades to buildings. She noted that they can lower our costs as they have the ability to leverage vendor relationships and lower overhead and preventative maintenance services would save money in the long run. She added that they provide emergency coverage and knowledge of safety regulations.

The Board had a broad discussion of the Town's maintenance needs and proposed outsourcing as well as budgetary requirements to do this. Mr. LaMantia suggested going out to bid. Mr. Hughes said we should first get a report from the group that was surveying the buildings. Mr. Ballantine moved that we draft an RFI and bring it back to the Board. Mr. LaMantia seconded the motion. Mr. McManus agreed with Mr. Hughes that we should first hear from the group who toured the Town facilities before we start on this and we should get a presentation on what the Community Center has been doing and he stressed that we need to look into procurement regulations as well. Mr. Ballantine also agreed but said this should not stop this process. Mr. LaMantia said there is nothing stopping us from doing this all at the same time. Mr. Hughes suggested a three year maintenance plan and asking departments for their outlook. The motion carried by a unanimous vote.

#### C. Annual Meetings with the Board of Selectmen

##### 1. Recreation and Youth Commission

John Mahan provided the annual report of the Recreation and Youth Commission.

##### 2. Agricultural Commission

John Sennott provided the annual report of the Agricultural Commission.

- Monomoy School Committee

Brian Widegren provided the annual report of the Monomoy School Committee.

### **NEW BUSINESS**

#### A. Monomoy Regional High School Building Committee request for reduction in the planning review fees for the High School building project – *discussion and possible vote*

Mr. Spitz recommended that the fee be reduced to \$4,000. Based on the recommendation, Mr. Hughes moved that we reduce the Planning review fees to a total of \$4,000 for the Monomoy High School. Mr. LaMantia seconded the motion and the motion carried by a

unanimous vote.

B. Extension of the Town Administrator's Contract – *discussion and possible vote*

Chairwoman Cebula reported that Mr. Merriam has submitted a letter to the Board dated December 17, 2012 which she read as follows:

It is with mixed emotions that I formally announce my retirement as Town Administrator, effective next June 30, 2013. I have just completed my sixth year serving the Town of Harwich in this capacity and have a career spanning more than thirty seven years serving a total of five Massachusetts communities in Local Government Management.

It has been an honor to serve the good residents of Harwich as your Town Administrator. I have enjoyed working with many fine employees and volunteers on various committees. I also appreciate the opportunity that Harwich has provided me to represent the Cape in various regional discussions and the Massachusetts Municipal Association on Statewide issues serving on the Environmental and Energy Policy Committee for the past twenty seven years and as a Governor appointee to the 911 Commission for the past twenty two years.

My family and I love this community. My wife and I intend to retire here together after having been in a commuter marriage for the past six years.

I would like to close this chapter of my life and look forward to opening new chapters. I look forward to spending more time with family and friends, traveling, volunteering, consulting, and doing all the fun things.

Mr. Hughes moved with regrets to accept Jim Merriam's resignation as Town Administrator effective June 30, 2013 as a retirement. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

C. Cape Cod Economic Development Council - extension of grant and refund of monies – *discussion and possible vote*

Mr. Merriam outlined the letter from the Cape Cod Economic Development Council (see attached). The Board questioned if there was a funding source for this and Mr. Merriam responded that none has been identified yet. Mr. McManus moved that we authorize the Chair to sign the letter, send a revised budget, and include an appropriate check. 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:

### FY 13 Tax Rate

DOR has approved Hawich's tax rate for FY 13 at \$8.58, contingent that the Board of Water Commissioners commit to not spending \$300,000 of its \$1.4m of Budgeted Reserves, due to DOR's concern that projected revenues will not meet approved expenditures.

### Muddy Creek Bridge

Chatham/ Harwich staff met to review engineering questions after site visit. Design bids are due on December 20<sup>th</sup>.

### Allen Harbor dredging update

Our weekly staff meeting with Burnham Associates representatives Ted Augustine and Nick Mucci was held on Dec. 10<sup>th</sup>. Also in attendance was Craig LeBlanc representing the Marina, Joe O'Leary representing the AHYC, Lewis Gunn and friend John Chatham, representing private dock owners. Below, is a report from the meeting from Mr. Gunn.

Dear All,

This is~from Lewis Gunn:

"I attended the Committee meeting this morning concerning the Allen Harbor Dredging.~ There were~5~people present on their committee covering the different aspects of their operation chaired by Town Manager, Jim Merriam. There were only~3 other people~present,~a~representative from the Marina, a representative from the yacht Club, and me. I went into the meeting with a slightly belligerent feeling that our interests as abutters were being neglected.~ But I left very impressed with the great effort they're doing to get the job done.

There are many problems:

- the weather is a big handicap at this time of year
- the time.~ They~are required~to~stop dredging by January 15th because of fishery restrictions.~ They are trying to extend it to February 15th.~ They feel they can finish by February 15 no problem.~ But if they don't get it finished by January 15th, and they are not allowed an extension, they will leave their equipment here in the harbor, start up again on May 31st, and~I told them that that would be~okay with us.
- the barges.~ They are trying to get more barges.~ The barges go 16 miles North of Boston.~ Going out and around the Cape is scary but faster.~ They also use the canal.~ Any wind of 15 knots is of concern to them.
- mechanical breakdowns

~

The Marina and Yacht Club have priority since getting all the docks back in is quite complex.~ We can't argue with the fact that they need to be~done ahead of us in order for them~to be back in business sooner.~ Our area is the last to be done and is easy.~

~

Any threat to hold back the~betterment~fees~to encourage them to move faster in our direction doesn't work for the simple reason that they are not paid until the whole~job is complete.~

~

The Town Manager handled the situation well.~ They are perfectly prepared to listen to any points we can raise and I raised every one I could think of.~ They are determined to get the job done as quickly as they can and that includes looking after our interest.~ Let's be patient. I don't think we need a lawyer.

~

I have told Jim Marriam that if he gets calls from any of the~abutters~to refer them to me ([508-432-2098](tel:508-432-2098)).~~~ I did not discuss the betterment fees at the meeting nor do~I~feel qualified to do so."

~

Stephanie Gunn (daughter)

~

#### ~Dredging progress

17 Scows totaling 10,200 c.y. removed- 25% project complete as of 12/10. We anticipate that the AHYC will be dredged by Dec. 14<sup>th</sup>, and then move to the Marina where another 23 loads are required. We spent time with Pam Neubert, marine biologist, preparing for the Time of Year Extension which we have scheduled for filing on 12-21. Water temperatures actually increased this week from 45 degrees to 47 degrees. Winter flounder start spawning when water temperatures drop below 40 degrees. ACOE has denied the Cape Cod Disposal site. Please sign the Request Letter for the TYE to DEP.

#### Dispatch budget deficit

This email is to inform you that I will be entering into deficit spending in the Public Safety Dispatch budget ~in the overtime account. I am estimating entering into deficit spending near the first of the year. I am asking for your approval to operate in a deficit in the overtime account. Please advise me how you would like to handle this. ~Thanks Kent

#### Helfrich

Mr. Helfrich will contribute 90c.y. to Red River Beach via Robert Our Co. as part of his ConCom Order of Conditions.

#### Street Light Request

Hi James:

I located your contact information on the Town website.~ I've been a Harwich property

owner for over 30 years and after both my wife and I retired this past summer, we've moved full-time to our home here and are now Harwich residents.~ Our home is at 14 Lakeside Terrace and is located at the intersection of Lakeside and Vacation Lane.~ It's a "T" type intersection and our home is at the 'top' of the "T".~

There are no streetlights on either of these streets and it's a very dark area, especially in the non-season months, as about ½ of the homes are only occupied in the summer.~ The year-round residents are, like ourselves, all older retired folks.~

Lakeside Terrace is off Queen Anne Road, nearly opposite Beach Plum Circle.~ There are currently three streetlights on Queen Anne at this multiple intersection.~ While walking my dog at night I've noticed there's a "T" type intersection on Beach Plum where it intersects with Sandy Lane, which is similar to the one on Lakeside and Vacation.~ At this "T" intersection there currently is a streetlight.~ Both of these "T" intersections are on similar secondary residential streets.

I'm assuming the streetlight at the Beach Plum – Sandy Lane "T" intersection was most likely positioned there as a safety consideration, e. g., to alert motorists driving on Sandy Lane at night to the sudden end of the road.~ That said, given the similarity to the Lakeside – Vacation Lane intersection, I'm asking if it would be possible to have someone from the town evaluate whether a streetlight could be added here on Lakeside?

I'd appreciate your help in having this looked into or, if I need to follow up with someone else, either having you forward this email to them or letting me know whom it would be, so I could forward it to them myself.

Thank you in advance for your help.

Very best regards,  
Joe LaRose

Harbormaster office roof replaced by DPW

John,

Thanks to you and your crew for the work that you all did last week replacing the roof of the Harbormaster Building.~ It looks great and so far no leaks with today's heavy rain (ha, ha).~ Anyways John just wanted to let you know that I appreciate your help... I couldn't find Boo's email address, can you please pass on my thanks to him as well.

John Rendon  
Harbormaster~

Harwich Middle School –re-use Committee

I met with Chairman Robin Wilkins who asked for clarification of their committee's charge "to dispose" and whether there are broader options than selling, ie; leasing/renting. I also suggested that we start to draft an RFP seeking proposals for re-use.

#### Caleb Chase Gift Account

Mary McIsaac will be inserting stuffers with the tax bills with a short explanation seeking donations to assist Harwich residents with their utility bills.

#### HECH Report on North West gate properties

(see attached report for 2010,2011,2012 provided by Pam Parmakian)

#### E-mail from Pam

I have checked with Bob and related parties regarding the referenced properties. In 2001, HECH successfully responded to an RFP issued by the Town to develop three three-bedroom homes which would address ~the shortage of affordable housing. The units do not count towards the 10% affordable housing goals because they were not marketed through an approved affirmative fair housing marketing plan by DHCD in 2001. This would have been a Plan written and submitted by the Town.

HECH agreed to develop the units and operate them successfully for 25 years which continues to be our intention. ~At the end of this time, the developed properties would convey back to the Housing Authority free and clear of all debt.~ ~You~may recall that the agreement states that "if the Housing Authority desires to have the properties reconveyed prior to the payoff of the outstanding loans and to assume the debt therefore, HECH agrees to reconvey the properties to the Housing Authority, at such time, subject to the approval of the mortgagees."~ ~Is it the intent of the Town to request the reconveyance of the properties at this time?

HECH has successfully managed and operated these properties in accordance to all the guidelines set forth in the land deposition agreement and affordable housing deed rider written in 2001. Two of the units were rented to low-income families in 2002 and they continue to live in these stable year-round housing units. The one unit turnover that has occurred in 2011 was marketed for low-income families with local preference and resulted in providing housing for a family of six that have four children in the Harwich school system.

I hope this addresses any questions and we welcome the opportunity to continue operating these housing units.

Pam

### Hurricane Sandy

Lee Culver has informed us that Governor Patrick has applied for FEMA reimbursement.

### State Gaming Commission comments

During its meeting on December 11, 2012, the Massachusetts Gaming Commission discussed approaches to gaming licensing in gaming Region C of the Commonwealth, which includes Bristol, Plymouth, Barnstable, Dukes, and Nantucket Counties. The Commission decided to solicit public comment on a proposal to accept Phase 1 gaming license applications in Region C while issues involving a potential Mashpee Wampanoag gaming facility in the Region C continue to be discussed and potentially resolved. As noted in the below excerpt from the Commissioner's packet, "[t]his approach would involve issuing a Phase 1 RFA [Request for Applications] in Region C without making a final commitment that [the Commission] will ultimately issue a commercial license in that region. This approach will allow the tribal process to proceed without imposition of an arbitrary deadline and will allow [the Commission] to reassess [its] appropriate approach to Region C as the Phase 1 process concludes." The deadline for comments on this proposal is next Tuesday, December 18<sup>th</sup> at 10:00 a.m. For additional information, please refer to the link below:

<http://www.mass.gov/gaming/contact-us/region-c-comments.html>

### CWMP update

CDM has delivered the updated CWMP for Sections 1-5, 9 and 13 as of Thursday evening, all of which have been posted on the Web by Foster.

### **SELECTMEN'S REPORT**

Mr. Hughes requested that the Board send a letter to the Newtown, CT Selectmen offering condolences on behalf of the Town. Chairwoman Cebula requested that Mr. Merriam draft the letter.

### **ADJOURNMENT**

Mr. Ballantine moved to adjourn at 8:52 p.m. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel  
Recording Secretary