

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, APRIL 7, 2014  
7:00 P.M.**

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

**OTHERS PRESENT:** Town Administrator Christopher Clark, Superintendent Carpenter, Anne Stewart, Candace Wolcott, Brooke Williams, Al Raneo and others.

**MEETING CALLED TO ORDER** at 7:00 p.m. by Chairman LaMantia.

Chairman LaMantia reported that the Board had just come out of Executive Session where they discussed contract and real estate matters.

**PUBLIC COMMENT/ANNOUNCEMENTS**

Anne Stewart stated that she wanted to go on record that she was not the petitioner of Article 48 regarding the Cape Cod Commission Membership and some else put her name in as the petitioner.

**CONSENT AGENDA**

- A. Approve minutes –
  - 1. March 17, 2014 Regular Meeting
  - 2. March 17, 2014 Executive Session
  - 3. March 24, 2014 Executive Session
  - 4. March 31, 2014 Executive Session
- B. Award Beach Concession Bid for Ice Cream Vending to Hyannis Ice Cream for 2014-15 in the total amount of \$41,294
- C. Confirm appointment of Shelagh Delaney as Office Assistant in Building Department effective April 15, 2014
- D. Award Ambulance Billing Services contract to Coastal Medical Billing
- E. Approve 2014 Seasonal General License Renewals as recommended
- F. Approve application by Cape Cod Rowing to hold regatta at Long Pond on May 4, 2014

Mr. Hughes moved approval of the Consent Agenda with the exception of Item B at the request of Mr. Ballantine and Item F which he noted was withdrawn. Mr. Ballantine seconded the motion. With regard to Item B, Mr. Ballantine stated that it should allow for vendors of other products such as hot dogs. Mr. Clark responded that we also went out for bid for a hot dog concession and there were no bidders. He stated that we will go out to bid again. Mr. Ballantine moved to award the Beach Concession Bid for Hyannis Ice Cream for 2014-15 in the total amount of \$41,294. Mr. Hughes seconded the motion and the motion carried by a unanimous vote. The main motion carried by a unanimous vote as well.

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

- A. Budget Amendment #2 – *discussion and possible vote*

Mr. Clark outlined Budget Amendment #2 (see attached) and took questions from the Board. Ms. Cebula moved to accept Budget Amendment #2 as presented. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

## OLD BUSINESS

### A. ATM Warrant Article Review – *discussion & possible vote*

#### 1. Article 18 – Fund Route 124 Improvements

Mr. Hughes moved Article 18 indefinite postponement. Mr. Ballantine seconded the motion and the motion carried by a 4-0-1 vote with Mr. McManus abstaining from the vote.

#### 2. Article 20 – Overhaul the Transfer Station

Mr. McManus moved to vote accept and adopt Article 20 as a capital exclusion. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

#### 3. Article 23 – Replace Carpeting at Brooks Library

Mr. Ballantine moved to accept and adopt from available funds Article 23 – Replace Carpeting at Brooks Library. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

#### 4. Article 26 – Supplement Annual Allocation of Mass Cultural Council for Local Cultural Council Grants

Ms. Cebula moved to accept and adopt Article 26 in the amount of \$2,500 and the source is free cash. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

#### 5. Article 45 – Lease of Town-Owned Buildings

#### 6. Article 46 – Lease of Town-Owned Property for Boat Storage

Mr. Clark stated that upon review our Town attorney has indicated that these are not necessary to be acted on. Mr. Hughes moved Article 45 Lease of Town-Owned Buildings indefinite postponement. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote. Mr. Hughes moved Article 46 Lease of Town-Owned Property for Boat Storage indefinite postponement. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

#### 7. Article 49 – Amend Personnel By-Law

Mr. Clark stated that the language would need to be revised and that he would like to take a more comprehensive look at the by-law and present something for next year's Town Meeting. Mr. Hughes moved Article 49 indefinite postponement. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

### Petition Articles

#### 8. Article 17 – Maintain and Repair Route 124 without TIP Funds

Ms. Stewart spoke in support of Article 17 and provided the attached information to the Board. Mr. Clark noted that the article has been reviewed by Kopelman & Paige who has indicated that it is a non-binding resolution and merely discretionary in nature. The Board heard comments from the abutters, Mr. Raneo and Mr. Williams. Mr. Hughes moved indefinite postponement of Article 17 - Maintain and Repair Route 124 without TIP funds. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

#### 9. Article 48 – Cape Cod Commission Membership

Mr. Clark stated that counsel has reviewed this and has indicated that the article must be included in the warrant but there is no authority to require that a binding question be placed on the election ballot. Mr. Ballantine moved to indefinitely postpone Article 48 – Cape Cod Commission Membership. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

#### 10. Article 30 – Wastewater Project Costs

Mr. Williams spoke in support of Article 30. Mr. McManus moved to take a position of indefinite postponement on this article. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

#### 11. Article 44 – Use of West Harwich School House

Mr. Williams spoke in support of Article 44. Mr. Clark stated that Kopelman & Paige indicated that this article would return the property to the Board of Selectmen for further study for future use and that the article would require a 2/3 vote for passage. The Board agreed to hold this article pending further information regarding funding sources.

#### 12. Article 72 – Re-Establish the Traffic Safety Committee

Mr. Williams spoke in support of Article 72. Mr. Clark stated that Kopelman & Paige indicated that this would be advisory only by Town Meeting as it is the Board of Selectmen's committee and therefore doesn't need Town Meeting approval. Mr. McManus stated that the committee was down to one member and they should not consider resurrecting it until they can get a group of volunteers coming forward first. Ms. Cebula offered to have the Interview and Appointments Committee look at this. Ms. Cebula moved to support Article 72 to review whether the Traffic Safety Committee should be reappointed. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

### **TOWN ADMINISTRATOR'S REPORT**

Mr. Clark stated that the Middle School Repurpose Committee will be submitting a formal recommendation shortly for housing. He reported that the candidate who was offered the position of Assistant Town Accountant has declined the offer.

### **SELECTMEN'S REPORT**

Ms. Cebula recommended that Facilities Manager Sean Libby should be appointed as ad hoc member of the Community Center Facilities Committee. Mr. Hughes commented that he was expecting a building assessment to be submitted. Mr. Clark responded that he can provide something to the Board. Mr. Ballantine said the Interview and Appointments Committee could come back with something more formal on the appointments to ad hoc committees.

### **ADJOURNMENT**

Mr. Ballantine moved to adjourn at 9:10 p.m. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,  
Ann Steidel  
Recording Secretary

## **2014 SEASONAL GENERAL LICENSE RENEWALS**

Go Industries Inc. d/b/a Perks  
545 Route 28, Harwich Port

***Common Victualler***

***Weekday Entertainment*** – Recorded or live music with use of amplification, guitar player, 6:00 p.m. – 10:00 p.m.

Grand Slam Entertainment, Inc.  
322 Route 28, Harwich Port

***Automatic Amusement*** – 6 video games

***Batters Box***

***Sunday Entertainment*** – Batters Box, 9:00 a.m. to 11:00 p.m.

Noise level not to exceed licensed premises.

Country Club Elite, Inc.  
d/b/a Philbrick's

183 Oak St., Harwich

***Common Victualler***

Port Restaurant & Bar, Inc. d/b/a The Port Restaurant  
541 Route 28, Harwich Port

***Weekday Entertainment***

OFFICE OF THE TOWN ADMINISTRATOR

Phone (508) 430-7513

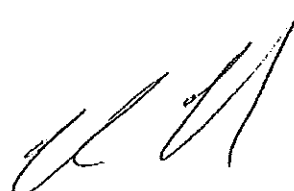
Fax (508) 432-5039

Christopher Clark, Town Administrator

732 MAIN STREET, HARWICH, MA 02645



# MEMO

TO: Board of Selectmen 

FROM: Christopher Clark, Town Administrator

CC: Monomoy Regional School District School Committee  
Scott Carpenter, Superintendent of Schools MRSD

DATE: April 2, 2014

SUBJECT: Budget Amendment #2

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Administration and the Finance Team have produced a balanced budget; however, as we work our way through the budgeting process different elements change over time. Since Budget Amendment #1, we have had an adjustment to the Monomoy Regional School District budget. It is my understanding that Monomoy had been using last year's assumptions for foundation budget. Monomoy has adjusted its thinking and has decided to utilize budget assumptions that have been promulgated recently by the Massachusetts State Legislature. The change has resulted in an increase to the Town of Harwich's assessment of \$146,353. Administration and the Finance Team met to discuss how the shortfall could be addressed. We have come up with two offsetting adjustments. First, after a careful review of the MUNIS detail budget reconciliation, we have determined that we have \$49,677 available that we will use towards the shortfall. Second, upon review of the Town's various local receipts, we believe that we can adjust the receipt numbers up by \$90,977 to offset the remaining balance.

Due to the nature of municipal budgeting, the need to provide for estimated receipts administration seeks to make sure that we end the year with a modest surplus as is required by law. The necessity to streamline local receipts to offset the shortfall is of concern in regards to the Town's ability to show Standard & Poor's a favorable fund balance. I would encourage the Monomoy Regional School District School Committee and the Superintendent to make every effort to attempt to reduce the amount of the assessment possible to attempt to offset the shortfall created as they hone in on final budget numbers.

April 7, 2014

### **Defense of Article 17**

I have been asked by the town administrator to explain and defend the warrant article that I submitted for inclusion at town meeting.

I think most people in this room understand my position. But since Mr. McManus spoke for me to the press recently, saying that "clearly Anne Stewart wants to do nothing," just to reiterate, I understand that there are drainage problems with Route 124 that should be addressed. Specifically, road runoff into the Jenkin's cranberry bog with possible subsequent impact to Hinckley's pond, the flooding at the Brewster town line and a couple of other areas which might be alleviated by some catch basins, and rebuilding of the Herring Run, which the Harbormaster is working on.

- **The flood at the Brewster town line is the only real flood, and now, due to Mr. Raneo's dialogue with Brewster DPW, they are going to try to solve that.**

In a conversation I had over a month ago with Mr. Bersin, head of the Highway department in Brewster, he said that no communication had taken place with the Town of Harwich prior to, or since Brewster's re-pavement of their section of Route 124. It seems like our Highway Department would have anticipated this problem and reached out to Brewster to jointly solve the potential of flooding at that time. Recently, our retired head of the Hwy. Dept. for over 24 years, Mr. Albert Raneo, contacted Mr. Bersin, and I understand that now Brewster is going to work to solve that problem this summer. But it had to take a phone call from our former head of the highway department to effect this change.

- **Excess catch basins are only needed because of excess asphalt.**

As far as the installation of a proposed 69 catch basins is concerned, how many of that large number are needed simply because all that extra asphalt will collect a massive amount of more water to be dealt with? Our road maintenance manager was quoted in the Oct. 18<sup>th</sup> Cape Codder as saying that after this \$4million rebuild the road would still flood!

- **Widening and straightening Pleasant Lake Ave. will cause more speeding.**

VHB has designed this road for motorists to go 50mph with plenty of sight clearance. But townspeople say, "Why would they want to do that to this street. It will make traffic go faster, and people already speed along there." The existing curves actually save peoples lives.

- **2' shoulders really mean minimum 8' of extra road width.**

Much has been said about the shoulder width. But even if MassDOT agreed to the two foot shoulder width instead of four foot, the end result would still be a minimum of eight feet of extra width added to satisfy TIP mandates for lane widths and curbing. Abutters with lots alongside Long Pond have 8 feet more to deal with when they try to access their beaches. Without exception, these property owners are senior citizens, many with small grandchildren. Picture if you will, Grandma and grandchildren lugging their beach gear across the street with no protection from the speeding motorists. Eight feet to an elderly person or a child means it takes a lot longer to get across the street. The police department and the selectmen ignore this issue.

- **No "visuals" have been presented to show the end result.**

People cannot envision the subtraction of lush foliage along here without photo-shop eliminations of greenery. Why has no visual been provided so that selectmen and townspeople can get an idea of what the end result might look like? Additionally, keep in mind the three long retaining walls and rusty guardrails that are to be installed. We have no idea of what the future of Pleasant Lake Ave. would look like with the few "cross-section" drawings provided by VHB.

**The towns website will need to be rewritten to reflect our "urbanization."**

The following is an excerpt from the Town's website:

"The village of Pleasant Lake is situated in a scenic area bordered by Long Pond, Hinckleys (sometimes called Pleasant Lake) and Seymour Ponds...It is a rural community of cranberry bogs and homes, and has wonderful access to swimming, fishing and kayaking on its lovely large ponds. Long Pond is the Cape's largest lake and largest inland body of water. A drive along Route 124 gives the visitor a very different feeling than he would have traveling through the more populous neighboring Harwich villages."

- **Damage to roots means eventual loss of trees and hedges.**

To a few abutters the Hwy Department has said certain trees or hedges would be saved. But most of us know, excavating right next to the roots of trees and hedges would shock them, and in time, those trees and hedges would die. Canopies of trees would have to be cut for heavy equipment to get underneath them to work. And baby trees for replacements? First of all, none of the current homeowners would live long enough to enjoy the privacy and shade that their existing trees already provide, while they wait for these trees to grow. And who is going to water, maintain and fertilize these trees? The Highway Dept.? We doubt that. So the little trees would have a poor chance for survival.

- **Harwich Taxpayers cannot afford \$2 million more right now.**

We understand the townspeople cannot afford a \$2million dollar fix all at once, so we propose breaking the necessary repairs down into separate projects to be budgeted for over a period of years, but Mr. La Mantia has suggested that might be more costly than doing the whole thing at once. Yet by the very nature of our climate restrictions and summer traffic, the project would be done piecemeal anyway. The proposed project may take two to three years, with the project starting and stopping for only spring and fall construction. So, that argument for saving money by doing it all at once doesn't make sense.

- **False responses to questions on initial applications to MassDOT are still the crux of the issue.**

In last week's meeting of the Finance committee, the head of the committee was reported to have said that the untrue claims of "high" community interest, and "high" public support on the Project Initiation Report submitted by Mr. Hooper in 2010, and 6 out of 11 items on the Chapter 90 Environmental Punch List erroneously checked, were just "so much water under the bridge." I submit to you, that if those claims weren't made, we would not be standing here tonight. Those misrepresentations are still the crux of the matter. Had the answers been given as "low" instead of "high" level of community interest, and "low" instead of "high" level of community support, and the Chapter 90 Environmental Punch List correctly filled out with six out of 11 items checked "yes" instead of "no," is there any doubt in anyone's mind that MassDOT would have flat out rejected this application?

- **VHB wrote the book that requires public outreach prior to the Project Initiation Form.**

It's not fair that you never asked townspeople about this back in 2010, nor did you follow public outreach mandates in the 85-page MassDOT document entitled Guidelines for Project Development, which, incidentally was written by VHB! With all due respect, the selectmen at the time probably never realized all the changes that would have to take place. One of the reasons that the citizens of Harwich, not just affected abutters, are opposed to this is that they realize if you do this to us, you could do it to them.

To vote to "indefinitely postpone" this article would be an offensive affront to the people of Harwich who feel so passionately about this project.

Thank you.

Anne Stewart



## CHAPTER 90 ENVIRONMENTAL PUNCH LIST

City/Town HARWICH

MassHighway District # 5

Proposed Work Construction      Resurfacing      Improvement      Other: ☒ Engineering

**NOTE: ALL ENVIRONMENTAL PERMITS / APPROVALS MUST BE OBTAINED PRIOR TO CONSTRUCTION.**

1. Will the pavement width increase 4 ft. or more for an aggregate length of 1000 ft. or more? Yes      No ☒
2. Will the bank or terrain (other than alteration required for installation of equipment or structures) be altered at a distance exceeding 10 ft. from the pavement? Yes      No ☒
3. Will the removal of 5 or more trees with diameters of 14 inches or more be required? Yes      No ☒
4. Will more than 300 ft. of stone wall be removed or altered? Yes      No ☒
5. Will the project involve construction of a parking lot with capacity of 50 cars or more? Yes      No ☒
6. Are any other MEPA review thresholds exceeded (see 301 CMR 11.00)? Yes      No ☒  
If your answer is YES to any of questions 1-6, you must file an Environmental Notification Form (ENF).\*
7. Will the project be on a "Scenic Road" (Acts of 1973, C. 67)? Yes      No ☒  
If your answer is YES, your Planning Board or Selectmen / City Council must give written consent for cutting / removal of trees or changes to stone walls.
8. Have all necessary takings, easements, rights of entry, etc. been completed? Yes      No ☒  
If a County Hearing is required, it must be held prior to starting work.
9. Are archaeological, anthropological, historical, etc. problems / impacts anticipated?\* Yes      No ☒
10. Is any work proposed in or within 100 ft. of a wetland (stream, pond, swamp, etc.)? Yes      No ☒  
If your answer is YES, you must file the project with your local Conservation Commission prior to starting work.
11. If work is proposed in a wetland or water resource, a permit may be required from the Department of Environmental Protection, Corps of Engineers, etc.. Verify with agencies.\* Yes      No ☒

\* See Appendix K for a List of Environmental Agencies.

### Validation

It is recognized that the purpose of this information is to assist the Massachusetts Highway Department in approving the Chapter 90 Project Request Form (of which this is a part). Accordingly, the information provided here is intended to be complete and correct with no intentional errors or material omissions. Any action taken by Mass. Highway on the basis of this information shall not legally or financially obligate Mass. Highway to support or defend the municipality, and the municipality shall save harmless Mass. Highway for any action.

Prepared by: [Signature]  
(Highway Official)

Date: 12/4/12

Signed: [Signature]  
[Signature]  
[Signature]  
(Duty Authorized Municipal Official(s))

**Provide a brief description of the project:**

HARWICH- RECONSTRUCTION OF PLEASANT LAKE AVENUE (ROUTE 124) FROM HEADWATERS DRIVE TO BREWSTER T.L.

**Is this a footprint road or bridge project?**

No

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## Part III - PROJECT TYPE PLANNING SUMMARY

**I. Briefly summarize the project context (surrounding land uses, nearby cultural and environmental resources, etc.)**

Project located within an area of Estimated and Priority habitats for rare species and will require coordination with Natural Heritage and Endangered Species Program (NHESP).

**J. Briefly summarize the transportation functions ( land access, regional connectivity, multimodal accomodation, etc.)**

Route 124 provides North/South access to Mid-Cape highway (Route 6).

**K. Briefly describe the alternatives considered, if applicable.**

**L. Please describe the rationale for selecting the proposed alternative whether or not multiple alternatives were considered**

**M. Do you anticipate that the project will require a Design Exception?**

Unknown

**N. Estimated Total Federal Participating Construction Cost:**

\$2,400,000.00

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## Part IV - PLANNING PUBLIC OUTREACH SUMMARY

**O. Public Outreach Activities**

Yes

Other:

**What is the expected level of community interest in the project?**

High

**What is the current level of community support?**

High



















