

APPROVED

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, JUNE 2, 2014
7:00 P.M.**

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

OTHERS PRESENT: Town Administrator Christopher Clark, Assistant Town Administrator Julie Quintero-Schulz, David Spitz, Michael Lach, and others.

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

Chairman LaMantia explained that the Board had just come out of Executive Session where they discussed various union contracts.

SWEARING IN OF ELECTED OFFICIALS

Mr. Ford swore in to office Selectmen LaMantia and Hughes.

WEEKLY BRIEFING

An unidentified citizen questioned if there will be a methadone clinic or a residential treatment program at Outer Cape Health Services. Mr. McManus responded that there wouldn't be a residential treatment program and as far as he knows Outer Cape Health Services doesn't offer a methadone clinic but they do see people who struggle with a number of addictions.

CONSENT AGENDA

- A. Approve Minutes – May 12, 2014 Regular Session
- B. Vote to authorize the Chairman to sign letter to the Cape Cod Commission deeming Outer Cape Health Services a project of community benefit
- C. Vote to approve and authorize the Town Administrator to sign the Memorandum of Agreement between the Town and the Cape Cod Commission to provide technical assistance to support East Harwich growth planning efforts
- D. Vote to authorize the Chair to sign the sales agreement between the Town and Specialty Vehicles, Inc. for the purchase of a new emergency medical vehicle
- E. Approve application for One-Day Sunday Entertainment License by Harwich Conservation Trust for September 14, 2014
- F. Vote to approve recommendation of Town Administrator regarding Town Hall hours for the week of July 4th
- G. Vote to authorize the placement of Farmer's Market signs on town property pursuant to the Town Sign By-law - §325-30D of the Code
- H. Approve request to amend Road Race application for B.A. Event Promotions for October 5, 2014

- I. Vote to accept the annual gift from the Ora Gaylord Arooth Trust in the amount of \$10,434, and authorize the Chair to sign the receipt of the distribution and financial statement
- J. Vote to approve the extension of the Catch Basin Contract with Robert B. Our Company for the period of one (1) additional year
- K. Vote to approve the FY 15 Gas and Diesel Bid Award to J.P. Noonan

Mr. Hughes moved approval of the Consent Agenda. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

OLD BUSINESS

A. Route 124 – letter and closeout contract with VHB – *discussion/possible vote*

Mr. Clark reported that he had a good meeting with the Route 124 abutters and will be meeting with Mr. Hooper and they will look at some maintenance issues and the capital plan. He reported that we have capacity to clean 6-8 catch basins per day but with over 3,000 in Town he will be looking into contracting this job out which may be more efficient. He asked the Board for a vote on the cancellation of the Route 124 project as a TIP project. Mr. Ballantine asked Mr. Clark to bring Mr. Hooper's five year plan for roads to the Board and stressed that he didn't want Route 124 to displace the current plan. Mr. Hughes moved that we, as a Board, notify MassDOT that for the Route 124 project we no longer support using TIP funding or will look for TIP funding and we'll move on from there. Mr. McManus seconded the motion. Mr. Clark stated that he thinks there will be routine maintenance that we can do in house and when there are significant dollars to do any work in the ponding areas, we will also coordinate with Brewster as they have obviously added some elements to the problem. He said he expects it to take 5 years or longer for longer term solutions and he would like to submit those as part of the capital plan. Chairman LaMantia said he was not voting in favor of this, as he believes they will be disappointing the people from Route 124 who will have to live with the problems for a number of years as well as the property owners in Town who are going to have to pay several million dollars in taxes, which he said isn't fair. The motion carried by a 3-2-0 vote with Mr. LaMantia and Ms. Cebula in opposition.

NEW BUSINESS

A. Special Municipal Counsel for Planning Board Appeals – *discussion/possible vote*

Mr. Clark said he was approached by the Town Planner and Planning Board Chair who would like to be able to use a more specialized firm than Kopelman and Paige. He reported that they interviewed two firms and they are recommending Blatman, Bobrowski and Mead, who he noted he has had experience with before and they are very responsive. He stated that they are much more specialized in the field of Planning Board related issues. Ms. Cebula moved to appoint as Special Municipal Counsel the firm of Blatman, Bobrowski and Mead LLC. Mr. Hughes seconded the motion. Chairman LaMantia said the Town Administrator should make the determination as to when to bring the firm in. The motion carried by a unanimous vote.

B. 126 Miles Street complaint – *discussion*

Chairman LaMantia said the issue has been resolved and no discussion is required.

C. Request for Board of Selectmen approval of Conservation Restriction – Bay Road, Map 99/Parcel G7 – *discussion/possible vote*

Mr. Lach, Executive Director of Harwich Conservation Trust, outlined the request. Mr. McManus moved that we approve of and authorize the Conservation Commission to adopt the Conservation Restriction over Map 99/Parcel G7, 9.68 acres. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

D. Beach Road Signage – *discussion/possible vote*

Mr. Clark stated that in an effort to try to effectuate the agreement between the Town and the abutters, he is proposing to take the wording from article 5 of the agreement and create a sign similar to the sign we have up there. Mr. McManus noted that the agenda indicates this is for Beach Road when in fact it is for Davis Lane. The Board agreed to bring this back next week to ensure they are in compliance of the Opening Meeting Law.

E. Town Administrator FY 14 goals / Performance Review – *discussion/possible vote*

Chairman LaMantia requested that the Board review Mr. Clark's suggested FY15 goals and provide input. Mr. Clark stated that there were 3 goals for FY14 which he believes were met. He noted that his Employment Agreement indicates that he has to meet the goals satisfactorily in order to have a pay adjustment consistent with the other professional staff. Chairman LaMantia stated that a number of department heads have commented positively on Mr. Clark's performance. Mr. Hughes moved that we as a Board ratify the fact that he did satisfy the goals that were set forth when he was first brought on. Mr. McManus seconded the motion. Mr. Hughes commented that Mr. Clark has demonstrated really good leadership for us. Mr. Ballantine said feedback has been very positive. The motion carried by a unanimous vote.

TOWN ADMINISTRATOR'S REPORT

A. Update on Middle School Repurpose Committee / re-develop committee charge – *discussion/possible vote*

Mr. Clark stated that the Committee has completed their charge. He noted that there is a meeting tomorrow night of the Committee. He stated that the Board should look at a recharge of the Committee particularly with the resignations of the Chair and Vice Chair. He asked the Board to formally assign the Town Planner to the Committee and that the proposal that was received should be declared not in the best interest of the Town. The consensus of the Board was that the new RFP should be as broad as possible. Ms. Cebula said she would work on a charge with Mr. Hughes. Ms. Cebula moved to notify Stratford that we are going to be ending this phase, we thank them for their input and look forward to a future response to a new RFP. Mr. Hughes

seconded the motion. The motion carried by a unanimous vote with Mr. McManus recusing himself on this matter.

B. License Agreement between the Town and the Congregational Church –
discussion/possible vote

Mr. Clark outlined the following letter to the Board of May 29, 2014:

I wish to alert the Board to an upcoming concern with the First Congregational Church of Harwich. The First Congregational Church of Harwich and the Harwich Cemetery Commission entered into an Agreement in the late 1980's to allow for a scattering of ashes and the creation of a memorial garden be utilized on Town Cemetery property. The current use of this scattering and memorial garden has changed over time. The current use includes not only the memorial but the placement of urns of departed parishioners from the Church.

I believe that the initial Agreement needs to be updated and compliant with current laws. Administration has met with the Cemetery Commission, the Cemetery Director, Town Surveyor and the Health Director. Current regulations and laws would initially require a license agreement be executed with the Church, and that the practices of internment be compliant with state health regulations. To this end, the above persons, as well as myself, have met with the First Congregational Church of Harwich representatives to begin the discussion on updating our arrangement. I have attached a letter from the first Congregational Church of Harwich outlining the history of the memorial. A license agreement will be presented to the Church in draft form on June 10, 2014.

It is my intent in working with the Cemetery Commission to finalize the license agreement and to present the final form to the Board of Selectmen. I believe that this document will be a transitional item as we progress toward a formal lease agreement that would have to be approved at a future Town Meeting.

No action was taken by the Board.

SELECTMEN'S REPORT

A. Selectmen's re-organization – election of Chairman, Vice Chairman, Clerk and Interview/Nominations subcommittee – *discussion/possible vote*

Mr. McManus moved to nominate Mr. Ballantine to serve as Chairman for the coming year. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

Ms. Cebula moved to nominate Mr. Hughes as Vice Chairman. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine that Mr. McManus become the Clerk. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

The consensus of the Board was that Mr. LaMantia and Ms. Cebula be appointed to the Interviews and Appointments Committee.

B. Selectmen's summer meeting schedule – *discussion/possible vote*

Mr. Hughes recommended that the Board start the summer schedule a week early by not meeting on June 23rd. The Board agreed to put it on next week's agenda for a vote. Mr. Ballantine noted that he would be away from June 17 to 23.

ADJOURNMENT

Ms. Cebula moved to adjourn at 8:17 p.m. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary

Associated Documents Available on Request 6/2/14

- 01 Agenda 6-02-14.pdf
- 02 Minutes - May 12.pdf
- 03 OCHS CASE.pdf
- 04 Outer Cape Health Services.pdf
- 05 CCC MOA East Harwich.pdf
- 06 Specialty Vehicles Sales Agreement.pdf
- 07 Entertainment License.pdf
- 08 July 4 Holiday.pdf
- 09 Farmer's Market Signage.pdf
- 10 Road Race.pdf
- 11 Ora Gaylord Arooth Trust.pdf
- 12 Catch Basin Contract Extension.pdf
- 13 FY 15 Gas and Diesel Award.pdf
- 14 Route 124 TIP Grant Memo.pdf
- 15 Route 124 project.pdf
- 16 Special Municipal Counsel - Planning.pdf
- 17 126 Miles Street.pdf
- 18 Conservation Restriction.pdf
- 19 Town Path Signage Davis Lane.pdf
- 20 TA Goals.pdf
- 21 TA Eval Policy.pdf
- 22 Middle School Repurpose Committee.pdf
- 23 First Congregational Church Issues.pdf
- 24 Reorganization.pdf
- 25 BOS Summer Schedule.pdf