

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, MARCH 31, 2014
7:00 P.M.**

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

OTHERS PRESENT: Town Administrator Christopher Clark, Deputy Chief Kent Farrenkopf, John Rendon, Al Raneo, Candace Wolcott, and others.

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

WEEKLY BRIEFING

Deputy Fire Chief Kent Farrenkopf announced that Lt. Timothy Jacques and Lt. Michael Mason received the American Red Cross Professional Heroes Award for their outstanding life-saving actions during an incident in Brewster during a regional dive drill on October 30, 2013.

PUBLIC COMMENT/ANNOUNCEMENTS

The Board took questions and comments from Candace Wolcott on the Route 124 proposed project.

CONSENT AGENDA

- A. Vote to award Contract for Re-Inspection to Paul S. Kapinos & Associates, Inc.
- B. Vote to approve the renewal of a Seasonal Liquor License to Go Industries, Inc. d/b/a Perks in Harwich Port
- C. Vote to approve the appointment of Jay Kavanaugh to the Board of Assessors

Mr. Hughes moved approval of the Consent agenda. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

OLD BUSINESS

- A. ATM Warrant Article Review – *discussion & possible vote to support*

- 1. Article 9 – Adopt the Capital Plan

After discussion on the Route 124 project, Mr. McManus moved to support accept and adopt Article 9 – Adopt the Capital Plan. Mr. Ballantine seconded the motion. Mr. Hughes said there should be recognition that the placeholder for Route 124 is in FY16 and not this coming year. Mr. McManus agreed and the motion carried by a unanimous vote.

- 2. Article 19 – DPW Vehicles

Mr. McManus moved to support accept and adopt of Article 19, Purchase and Equip DPW Vehicles, including one new one-ton dump truck with plow for the Highway Department, one new one-ton dump truck with plow for the Park Department, one new hook lift truck and compactor and plow for the Highway Department, and one new hot box asphalt trailer for the Highway Department and it includes selling or trading in one 1999 F350 dump truck, one 2003 F350 dump truck and one 1999 350 stake body truck as a capital exclusion. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

3. Article 20 – Overhaul the Transfer Station

Ms. Cebula recommended this article be held until they get some information on the breakdown of what is going to be done. The Board agreed to hold this article.

4. Article 21 – Road Maintenance Program

Mr. Hughes moved Article 21, Road Maintenance Program, \$500,000 as a debt exclusion. Mr. Ballantine seconded the motion. The consensus of the Board was that more information is needed as to which projects this money will be spent on. The motion carried by a unanimous vote.

5. Article 22 – DPW HVAC System

Mr. Hughes moved accept and adopt from available funds \$19,500 for Article 22, Fund the Purchase and Installation of a HVAC System at the DPW Building. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

6. Article 31 – Transfer of Funds for Allen Harbor Bulkhead/Parking Lot

Ms. Cebula noted that the explanation of the funding is not in the article as she requested. Mr. Ballantine moved to accept and adopt Article 31, Transfer of Funds, \$172,000 for Allen Harbor Bulkhead and Parking Lot Project with the condition that Chris will add a short explanation. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

7. Article 34 – New Truck for Harbormaster

Mr. McManus moved that we support accept and adopt Article 34 – Purchase of a new Ford 150 Truck for the Harbormasters Department, at a cost of \$22,000 to come from available funds. Mr. Hughes seconded the motion. Mr. Ballantine stated that there should be an explanation of why the truck needs to be replaced. The motion carried by a unanimous vote.

8. Article 35 – Maintenance of Dredge Sand

Mr. Hughes moved Article 35 - Fund Maintenance Dredging and Sand from Channel Dredging accept and adopt in the amount of \$350,000 which will cover 2 years of this effort as a capital exclusion. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

9. Article 36 – Prior Year's Unpaid Bills

Mr. Hughes moved Article 35 accept and adopt Fund Prior Year's Unpaid Bills, Barnstable County Sheriff's Office, in the amount of \$4,396 from free cash. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

10. Article 41 – Albrow House Revolving Fund

Ms. Cebula noted that the article does not specify who is going to be authorized to spend from the fund and Mr. McManus responded that the wording in the article indicates that it was written for the Town Planner and Historical Commission. Chairman LaMantia questioned if this is a new source of funds and Mr. McManus responded that it is. Mr. McManus reported that he is pulling together items for a plan which will be concluding soon. Mr. Hughes stated that it's too late for this year's Town Meeting and Mr. Ballantine agreed. Chairman LaMantia recommended holding this article until April 14 so they can see the plan. Mr. Hughes stated that the plan should have been put together months ago and now it is being thrown together. Mr. McManus pointed out that we just got the assessment of the building from the new Facilities Manager and it wasn't possible before that. Mr. McManus commented that he resents the Board's feeling that he is just throwing this together as that is not how he handles things. Mr. Ballantine said he is willing to listen to the plan. Ms. Cebula moved to hold this until we receive this plan draft and at that point we will determine if we will go forward with Article 41, support or not. Mr. Ballantine seconded the motion and the motion carried by a 4-1-0 vote with Mr. Hughes in opposition.

B. STM Warrant Article Review – *discussion & possible vote to include*

11. Article 5 – Muddy Creek Easement

Ms. Cebula moved to accept and adopt Article 5 (Muddy Creek Easement) for Special Town Meeting. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

12. Article 9 – Affordable Housing Return of Funds

Mr. Ballantine moved to accept and adopt Article 9 – Affordable Housing Return of Funds. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

13. Article 11 – ADA Revolving Fund

Mr. McManus moved that we take a position to accept and adopt Article 11 (ADA Revolving Fund) of the Special Town Meeting. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

NEW BUSINESS

A. Election Ballot – *vote to approve and sign*

Mr. McManus moved that we leave ballot question #7 on the ballot. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

Mr. Hughes said that ballot question #8, regarding Route 124, is premature and moved to withdraw it. Mr. Ballantine seconded the motion. Mr. McManus spoke in support of leaving it

on. He stated that if we lose the state funds or this gets turned down we will find ourselves 3 years from now trying to come up with funds and the road will have deteriorated even further. He noted that it is only effective if Article 18 passes. Mr. Hughes commented that committing money over a year ahead of time doesn't make sense. The motion carried by a 3-2-0 vote with Mr. McManus and Chairman LaMantia in opposition.

Ms. Cebula moved to accept the ballot as printed with the exception of removing ballot question #8. Mr. Ballantine seconded the motion and the motion carried by a 3-2-0 vote with Mr. McManus and Chairman LaMantia in opposition.

B. Long Pond Mooring Fields Recommendations from Harbormaster – *discussion and possible vote*

Mr. Rendon stated that he found that there were a number of moorings in Long Pond, some of which were permitted and some were not, and some were from Harwich and some from out of town. He noted that he tried to get a handle on who is allowed by our regulations to have moorings on Long Pond. He explained that he used the Assessor's database to see if those who held moorings also owned waterfront property on the pond which is required by the regulations. Mr. Rendon reported that as he went through the process, he realized that our regulations aren't in compliance with state regulations in that we are allowing private property moorings but have no moorings available to the public. He noted that this was discussed at three public meetings of the Waterways Committee. Mr. Rendon presented the attached Power Point presentation.

Chairman LaMantia stated that we need to schedule a public hearing on the fees. Ms. Cebula moved that we accept the plan for Long Pond mooring as presented this evening. Mr. McManus stated that there needs to be some adjustment on the fee as the Town will be paying out of pocket for the first three years on the initial investment. Mr. Hughes recommended asking for a deposit in addition to the annual fee which would be returned when they give up their moorings. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

TOWN ADMINISTRATOR'S REPORT

Mr. Clark reported that the work on Carding Mill Dam was finished in one day in accordance with best management practices. He added that he received correspondence that we will lose our Comcast customer service office in West Harwich.

ADJOURNMENT

Ms. Cebula moved to adjourn at 9:15 p.m. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary

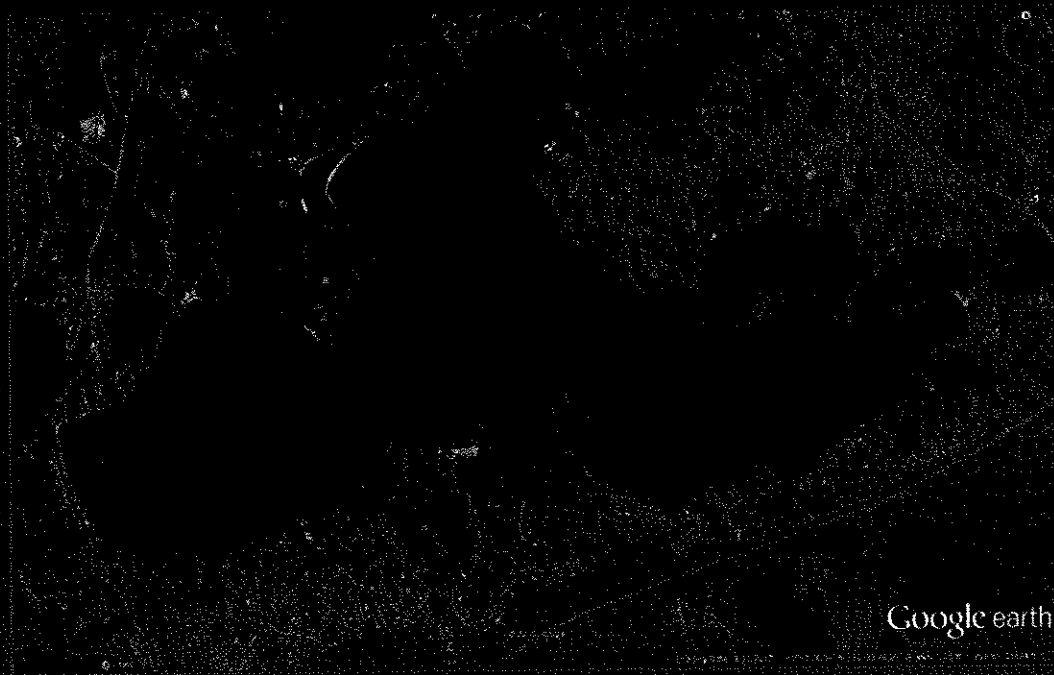


Harbormaster Department Long Pond Mooring Fields General Information

- Shared by the Town's of Harwich & Brewster
- 716 acre natural Great Pond (any pond larger than ten acres in its natural state)
- Largest freshwater pond on Cape Cod
- 6.4 miles of shoreline
- Average depth is 23 feet and a maximum depth of 66 feet
- Pond drains into the Herring River under Route 124 via Hinckley's Pond



Harbormaster Department Long Pond Mooring Fields 31 March 2014



Google earth



Harbormaster Department Long Pond Mooring Fields State Regulations

310 CMR 9.00 Waterways / 9.07 Annual Permit (continued)

- A city or town implementing 310 CMR 9.07 shall not discriminate against any citizen of the Commonwealth on the basis of residency, race, religion, sex, disability or other illegal distinction.
- Annual permits for moorings – the harbormaster shall provide a written procedure for the fair and equitable assignment from a waiting list for use of vacant or new moorings held by bottom-anchor.
- The harbormaster may allow the previous permit holder of a mooring to renew on an annual basis, that mooring or another mooring within the control of the harbormaster.



Harbormaster Department Long Pond Mooring Fields State Regulations

310 CMR 9.00 Waterways / 9.07 Annual Permit

- Purpose: protect and promote public's interest in tidelands, Great Ponds, and non-tidal rivers and streams.
- A written application for an annual permit must be submitted to the harbormaster of a city or town.
- Any permit may contain such terms, conditions and restrictions as deemed necessary by the harbormaster.
- No license shall be required from the Department (DEP) if an annual permit is issued.



Harbormaster Department Long Pond Mooring Fields Town Regulations

Harbor Management Plan: Section 3.7 Mooring Assignments

- The harbormaster shall assign moorings on an annual basis including moorings furnished or controlled by private clubs, private boat yards, marinas, and individual owners.
- No person shall cause a mooring to be placed in Harwich waters except as assigned by the harbormaster.
- The harbormaster will issue transom stickers to all permit holders who must then attach them to the vessel's transom.



Harbormaster Department Long Pond Mooring Fields State Regulations

Mass Supreme Judicial Court 432 Mass 194, stated:

- The waters and the land under waters beyond the line of private ownership are held by the State...

The Court reaffirmed the absolute duty of the Legislature and other public entities to ensure that public waters are to be held in public trust for the benefit of the public.



Harbormaster Department Long Pond Mooring Fields Town Regulations

Harbor Management Plan: Section 12.0 Long Pond

- All motorboats, including jet-skis, shall be operated at headway speed when within 150 feet of the shoreline of Long Pond, except for police/emergency boats.
- No motorboat shall be operated at any time on the waters of Long Pond at a speed greater than is reasonable and proper, having regard to lives and safety of the public; greater than 45 miles per hour shall be presumed excessive speed.
- Marker buoys are to be placed in appropriate locations around the perimeter of Long Pond designating the 150 ft. distance from shore and 300 ft distance from public bathing beaches required by the Commonwealth. The area shoreward of these markers is designated "Headway Speed Zone".



Harbormaster Department Long Pond Mooring Fields Town Regulations

Harbor Management Plan: Sec 3.7 Mooring Assignments (cont.)

- The harbormaster may consider a private property mooring if the following 3 criteria apply:
 1. The residential property has waterways frontage.
 2. The residential property does not border an established mooring area.
 3. The residence is located more than on-half mile by water from a town landing (does not apply in Long Pond).

The property owner may apply to the harbormaster for a mooring permit to be assigned to the vessel owned by the property owner. The harbormaster may allow up to two moorings per property.



Harbormaster Department Long Pond Mooring Fields West End



Harbormaster Department Long Pond Mooring Fields Town Regulations

Harwich By-Law Chapter 47. Boating and Waterways

- It shall be unlawful to anchor any boat closer than 75 feet to the mean low-water mark at any Town-owned or Town operated bathing beach.
- It shall be unlawful to operate any boat shoreward of any markers or floats stationed by the harbormaster off a public bathing beach for the purpose of designating the swimming area thereat; provided, however, that in any area where such markers or floats are placed at a distance greater than 75 feet seaward of mean low water, a boat may enter the swimming area to within 75 feet of mean low water at a speed no greater than 5 miles per hour for the purpose of coming to anchor.



Harbormaster Department

Long Pond Mooring Fields

Fernandes Bogg



Harbormaster Department

Long Pond Mooring Fields

West End



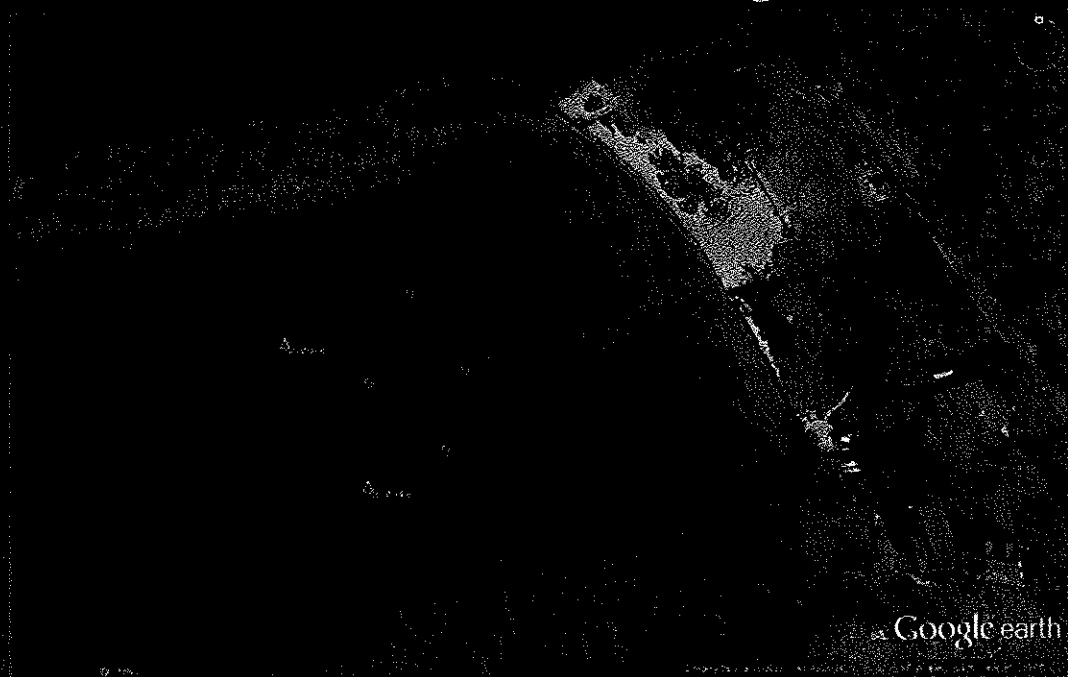


Harbormaster Department Long Pond Mooring Fields Management Process

- Public moorings will be set, hauled, serviced, inspected and provided by the Harbormaster Dept.
- Moorings will be available to permit holders during the defined boating season of Memorial Day to Columbus Day.
- Permit fee for public moorings will cost more than the \$50.00 private mooring fee, as moorings are provided & serviced by Dept. BOS to set fee, however, recommend \$125.00 for annual permit (same as Class 3 salt water mooring fee).
- Public mooring permit holders will be limited to a boat overall length of 21 ft or less.
- Residence and non-residents are eligible for a public mooring.



Harbormaster Department Long Pond Mooring Fields Cahoon Landing



Google earth



Harbormaster Department Long Pond Mooring Fields Questions?



Harbormaster Department Long Pond Mooring Fields Management Process (continued)

- Initial assignment of moorings will be done by lottery.
- Those previous permit holders who appropriately applied, paid & were erroneously assigned a permit by the Harbormaster Dept, but later revoked will be given preference for a mooring permit.
- Waiting lists will be established and managed by the Harbormaster Dept after initial permits have been assigned. One waitlist will be for the West End Mooring Field and one waitlist will be for the Fernandes and Cahoon Mooring Field.
- To qualify for West End mooring field, must be able to access location by foot or bike - no parking or vehicle drop off area.
- Tie-up rail for dinghy's will be installed at each mooring field location.