

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, MAY 19, 2014
7:00 P.M.**

APPROVED

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

OTHERS PRESENT: Town Administrator Christopher Clark, Assistant Town Administrator Julie Quintero-Schulz, David Spitz, Eric Beebe, John Mahan, Eric Smith, Sharon Stout, and others.

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

PUBLIC COMMENT/ANNOUNCEMENTS

The Board took comments from Terry Canavan regarding improving public notification, the sale of beach and landfill stickers, the school budget, the condition of the Albro House and Community Center, and landfill hours.

- A. Planning Board Subcommittee on East Harwich – Announcement of Workshops to be held on May 21, June 4 and June 18 - *D. Spitz*

Mr. Spitz announced that the Planning Board Subcommittee on East Harwich would be holding workshops on May 21, June 4 and June 18.

The Board agreed not to meet during Memorial Day week and to hold their next meeting on June 2, 2014.

CONSENT AGENDA

- A. Approve minutes –
 - 1. April 22, 2014 Regular Meeting
 - 2. April 28, 2014 Regular Meeting
- B. Approve new application for Common Victualler license for Buckies Biscotti
- C. Approve Chapter 90 Project Request in the amount of \$249,987.20 for Chipsealing Various Roads
- D. Re-appoint Larry Ballantine as representative to the Cape Cod Water Protection Collaborative from March 1, 2014 to February 28, 2016

Mr. Hughes moved approval of the Consent Agenda. Mr. McManus seconded the motion. Mr. Ballantine said he would be recusing himself on Item D. The motion carried by a unanimous vote.

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

A. Public Hearing – Beach Stickers Fees

Mr. Hughes read the hearing notice into record. Mr. Beebe outlined the recommendation of the Recreation and Youth Commission to keep all the sticker fees the same except for the duplicate sticker fees which would increase from \$1 to \$5. He noted that currently looking town to town cape wide, we are right on average or a little bit above. Mr. Ballantine noted that the difference between revenue and expenses is approximately \$50,000 which he said could be made up easily by raising the resident sticker from \$25 to \$30. He said a modest increase to get closer to matching revenues and expenses would be his recommendation. Chairman LaMantia questioned if there is anything Mr. Beebe could cut from his budget to cover the \$50,000 and Mr. Beebe said there was not. Mr. Clark recommended keeping the fees where they are which he noted are consistent with neighboring towns but use this as feedback for the Recreation and Youth Commission to let them know this is something that needs to be looked at. He said that due to the timetable, we don't want to blindside the Recreation Commission and we need to start selling stickers soon. He said we will do a more in depth fee study and follow up with Recreation Department. Ms. Cebula stressed that the process should have started sooner. Mr. Hughes agreed but noted that the budget voted at Town Meeting was based on the assumption that these figures were correct. He said we need to move forward. Mr. Ballantine said he is in favor of small increases more often. Mr. Canavan recommended staggering fees. Mr. Hughes moved that we adopt the Recreation Commission's beach sticker recommendations as proposed in the memo of April 16, 2014 as follows: Resident Season Sticker \$25, Non-Resident Season Sticker \$140, Non-Resident One Week Sticker \$65 and Non-Resident Two Week Sticker \$125 and duplicate beach sticker raised from \$1 to \$5. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

NEW BUSINESS

A. Request by Recreation and Youth Commission to name baseball field after Frederick W. Crowell – *discussion and possible vote*

Ms. Cebula stated that the letter from the family does not indicate that they have given permission to do this. Mr. Mahan said he spoke to William Crowell who said that he and his siblings are very much in favor of this. Mr. Mahan said he would get another letter from the family. Ms. Cebula moved to accept the request by the Recreation and Youth Commission to name the baseball field after Frederick W. Crowell subject to receiving the letter from the family that they are in agreement. Mr. Hughes seconded the motion. Mr. McManus noted that the letter should come from Frederick Crowell himself. Ms. Cebula said she would be happy with a letter from the family or Frederick Crowell. The motion carried by a unanimous vote.

B. Second Amendment to Intergovernmental Agreement Net Metering Power Sales Agreement between CVEC and Town of Harwich – *discussion and possible vote*

Mr. Clark outlined his letter of May 14, 2014 as follows:

The Town of Harwich and the Cape & Vineyard Electric Cooperative, Inc. (CVEC) entered into an Inter-Governmental Net Metered Power Sales Agreement (PSA). CVEC

is seeking a second amendment to the agreement. The amendment deals with certain billing, payment and net metering revenue sharing provisions to be incorporated into the PSA.

NSTAR's position has been evolving between the concept of allocation of credits and cash payments. The Town of Harwich has provided all of our electric accounts to NSTAR. Our solar landfill generation facility will generate more electricity than the Town has for all of its accounts. CVEC now believes that NSTAR, while retaining the ability to assess net metering credits, is now leaning towards the cash payout for the electricity generated by our facility. The value that the Town will receive for our electricity will be determined by the power purchase agreement creating the net benefit. The additional electricity generated by the site that is in excess of the Town's consumption will be sold to off taker towns and the net benefit will be split 50-50 between the Town of Harwich and the off taker towns. The value of both will come in the form of a check to the Town on a monthly basis.

Due to the change in the conversion of NSTAR electing to deliver cash, the PSA needs to allow for a mechanism for this to occur. CVEC is also requesting in this agreement for the towns to make payment to CVEC during the first six months of operation. The towns will be reimbursed by the checks received from NSTAR. The fiscal impact will be negligible for this concept.

The agreement also allows for flexibility to change from a lockbox account to some other financial account due to the higher fee structure of the lockbox system.

The amendment has been reviewed by Kopelman and Paige as well as myself and I would request that the Board of Selectmen vote to sign the Second Amendment to Intergovernmental Agreement Net Metering Power Sales Agreement (PSA) between CVEC and Town of Harwich.

Mr. Hughes moved, subject to getting the document in the name of Harwich, to approve the Second Amendment to Intergovernmental Agreement Net Metering Power Sales Agreement between CVEC, Inc. and Town of Harwich. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

TOWN ADMINISTRATOR'S REPORT

- A. Town Meeting Recap/Next Steps/Information Needs
 - Route 124

Mr. Clark read Mr. Hooper's memo to the Board dated May 12, 2014 (see attached). He noted that MassDOT doesn't want projects that have public opposition and it is for that reason he agrees with Mr. Hooper's letter. He said he would meet with the residents for discussion and talk to them about visions going forward. Mr. Clark commented that it was reprehensible how Mr. Hooper was portrayed at Town Meeting. He stated that he will have recommendations for the capital plan in the fall. Ms. Cebula stated that if we turn down the TIP funds that doesn't

mean that next year the town will be spending \$2 million to fix the road and there should not be an expectation of that. Mr. Hughes stated that in the short term we need to fix the potholes and make sure catch basins are clean and in the longer term, he has significant doubts we can drain that road properly. He said the reality is there needs to be some elements of the MassDOT project. Mr. Hughes moved to notify MassDOT that we no longer will pursue the TIP funding for the Route 124 project. Chairman LaMantia asked to hold this motion because people might find that the expectations are not what they want. Mr. Smith said they want a yes or no vote tonight and Ms. Cebula responded that it is up to the Board to decide what they are going to vote on and ultimatums are inappropriate. Mr. McManus stated that this this needs to be properly noticed on the agenda and Ms. Cebula agreed. The motion was not seconded. The Board agreed to put this on the agenda at a later time to allow enough notice to interested parties. Mr. McManus said he wanted a clear analysis or review of conditions of the roadway and specific water quality issues related to the drainage. Mr. Ballantine stated that this should not displace anything on the 5 year plan for maintenance of roads. An unidentified person indicated that this item was not on the agenda and the Board responded that it was and was properly posted per Open Meeting Law as well.

- Other Articles

Mr. Clark outlined options regarding Thankful Chase 2 that were provided by Town Counsel.

- Study of Town Meeting Format

Mr. Clark outlined different concepts for Town Meeting including using a Power Point projector to display motions, grouping capital budget articles on the warrant, using a lighting system to indicate how long someone can speak, consider adjusting the amount of time per speaker, conducting orientation meetings for petitioners, exploring electronic voting, and an informational meeting by the Moderator.

- Schedule Future Discussion on Middle School Project

Mr. Clark said he would provide an overview at the Board's June 2 meeting of where we are on this. He noted that there is a meeting scheduled for June 3 and an agenda will be sent out. Ms. Stout questioned if, as a non-voting member, she could take the minutes. Ms. Cebula responded that you don't need to be a member of a committee to take the minutes.

ADJOURNMENT

Mr. Ballantine moved to adjourn at 9:32 a.m. Mr. Cebula seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary



TOWN OF HARWICH

DEPARTMENT OF PUBLIC WORKS


273 Queen Anne Road • P.O. Box 1543 • Harwich, MA 02645

Telephone (508) 430-7555

Fax (508) 430-7598

MEMORANDUM

TO: Board of Selectmen

FROM: Lincoln S. Hooper, Director 

DATE: May 12, 2014

RE: Route 124 TIP Project Request



It is with much reluctance and apprehension that I write you to recommend your consideration in withdrawing the Route 124 Transportation Improvement Project from the TIP schedule. Although I do not believe this to be in the best interest of the taxpayers of Harwich, the vote on Article 17 of the 2014 Annual Town Meeting, a non-binding petition article - Maintain and Repair Route 124 Without TIP Funds, was clear. "We, the majority of votes at Town Meeting, do not want this roadway improved under this grant program." My personal belief is that like it or not, the votes at Town Meeting should mean something and be adhered to as much as possible.

A second reason I am making this recommendation is that I cannot envision a successful MassDOT 25% Design Public Hearing outcome. At these hearings MassDOT accepts testimony from elected officials, public officials and the general public, which is entered into their official record. With the Save Route 124 coalition's position of rejecting the project, I believe that MassDOT would have difficulty advancing it with this amount of public opposition.

As far as how to address the deficiencies in the road, there are several options available. These may include the following:

- Taking a portion of the plans we have paid for and developing a "Book Job" from them, bidding the job and seeking a capital or debt exclusion for it
- Rearranging our 5 year Road Maintenance Plan to incorporate some drainage improvements where possible and an overlay under existing contracts
- Install drainage systems under our miscellaneous drainage locations over the next few years with an overlay from Panorama Point Road to the Brewster town line once the drainage is completed.
- Maintain the road with patching and pothole repair as need with no major improvements
- Note – it is my recommendation that any drainage systems near ground water be engineered solutions so we get it right.

Finally, I would like inform the Board that I am extremely disappointed in the amount of time, effort and especially money that has been wasted attempting to advance this project. The Town has benefited from three previous TIP projects beginning with the Harwich Bike path, the Queen Anne Road / 124 intersection project and the Route 137 corridor project. Although the same process was followed for the 124 TIP project, one cannot bat 1,000 all the time.

Thank you for your time and consideration in this matter.

Co: Chris Clark, Town Administrator