

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, APRIL 28, 2014
7:00 P.M.**

APPROVED

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

OTHERS PRESENT: Town Administrator Christopher Clark, Chief Clarke, David Ryan, Craig Wiegand, Dana DeCosta, Allin Thompson, Lou Urbano, and others.

MEETING CALLED TO ORDER at 6:55 p.m. by Chairman LaMantia.

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

WEEKLY BRIEFING

Mr. Clark introduced new Assistant Town Administrator Julie Quintero-Schulz.

PUBLIC COMMENT/ANNOUNCEMENTS

The Board took questions from Lou Urbano regarding Town Meeting articles.

CONSENT AGENDA

- A. Approve Minutes –
 - 1. April 7, 2014 Regular Meeting
 - 2. April 7, 2014 Executive Session
- B. Approve Junk Dealer licenses renewal applications as recommended
- C. Approve Taxi/Limousine Business Permits as recommended

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

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

- A. Public Hearing – Proposed Fee Amendments relative to Long Pond Mooring Fields –
discussion and possible vote

Mr. Hughes read the hearing notice into record. Mr. Rendon discussed his recommendation as outlined in his memo dated April 7, 2014 (attached). He recommended staying with the \$125 mooring fee to remain consistent with the saltwater fees but, recognizing that his staff will be doing the work in providing the moorings every year, he asked that we charge an additional \$100 freshwater mooring service fee which would bring it to a \$225 fee to have a public mooring on Long Pond. He added a recommendation to change the Harbor Management Plan definition of a freshwater mooring servicing fee and to change Paragraph B and Appendix B so that it actually shows the fee. Chairman LaMantia called for public comment and no one appeared before the Board.

Mr. McManus moved that we approve the recommendations of setting a mooring fee for Long Pond at \$125 consistent with other mooring fees in Town with the addition of a freshwater mooring service fee for Long Pond of \$100 per year. Mr. Ballantine seconded the motion. Mr. LaMantia closed the hearing. The motion carried by a unanimous vote.

OLD BUSINESS

A. Article Review – *discussion and possible votes*

1. ATM #6 – Monomoy Regional School District Budget – *possible reconsideration of vote*

Mr. Ballantine moved to reconsider the Board's previous vote on Article 6 - Monomoy Regional School District Budget. Mr. Hughes seconded the motion. Mr. Ballantine said the Finance Committee has voted to support a slightly lower budget of \$146,333 less and this would give the Board an opportunity to fall in line with the Finance Committee and respond to some of their other concerns. Mr. McManus moved to reconsider the vote and noted that as the original motioner he is the only one who can do so. Mr. Hughes seconded the motion. Superintendent Carpenter commented that they fine tuned the budget and will not be doing some of the things they planned to do next year such as upgrading the elementary school technology. Mr. DeCosta recommended using this money to keep Station 2 open. Mr. McManus commented that we got this money by squeezing a penny harder and it's not wise to use up every penny that comes in. Chairman LaMantia stated that if this is just temporary it creates problems for next year. Chief Clarke stated that they estimated \$140,000 to maintain coverage of Station 2 for a couple of years but this year it didn't make it through the budget process. He said if it goes unmanned it adds 7 to 8 minutes to the response time and he felt a reasonable response to this was through the use of overtime. Mr. Ryan stated that you can't adjust receipts in the middle of the year, that we do set a tax rate in October which has to be certified at a Town Meeting and also Monomoy is from tax levy which is a recurring receipt. Mr. Clark stated that he understands that there is a need to expand coverage at Station 2 from 80 to 100% but there are other needs in this organization that need to be addressed and we should do that as a package. He stated that if this Board expects to have a reasonable chance of improving our bond rating, we are going have to come up with some kind of surplus at the end of the fiscal year and convince Moody's that there is a commitment to coming in at a certain level of free cash every year if we are going to have any chance of obtaining a AAA rating. He said by doing this we are decreasing our ability to hit our target of 2% for free cash and if we spend this we will hurt ourselves with Moody's. He pointed out that we did provide to the Fire Department a second personnel to help cover this. Mr. Clark stressed the need for fiscal discipline and said he will be back in July with several policies that need to be tweaked including free cash. Chairman LaMantia noted that this item is not on the agenda and suggested taking it up next Monday night. Mr. Ballantine moved to accept a budget number for Monomoy Regional School District of \$20,070,536. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

2. ATM #11 – Fund Union/Association Contracts for FY 2015

Mr. Clark reported that the FY15 budget includes funds necessary to meet the needs of some of these contracts within Article 5 so there is no need to take any action on this article. He recommended indefinite postponement. Ms. Cebula moved to indefinitely postpone Article 11. Mr. Hughes seconded the motion and the motion carried by a unanimous vote. Mr. Clark noted that he has also allocated anticipated increases for FY15 including non-union.

3. ATM #12 – Fund Salaries & Wages for Non-Union Personnel

Mr. Clark recommended this article be indefinitely postponed as the money for this is allocated in the budget. Mr. Hughes moved indefinite postponement for Article 12. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

4. ATM #27 – Construction of Muddy Creek Culvert

Mr. McManus moved to reconsider Article 27. Mr. Ballantine seconded the motion. Mr. Clark reported that Town Counsel indicated that if the grant is received there is usually a 35 day delay, and if we had to do a short term borrowing we would have to bring it to Town Meeting. He stated that he has been advised that because we are lead agency doing the administration of the grant, that we should formally approve these two grants at Town Meeting in the total amount of \$4.5 million. There was no motion from the Board and the Board agreed to hold this item.

5. ATM #59 – Correct Order of Taking – Bank Street Beach

Chairman LaMantia noted that a settlement agreement has been signed on this property. Mr. Ballantine provided background on this article. Chairman LaMantia noted that the Attorney General's comments indicated that the accretion cannot be claimed as a public right. Ms. Cebula moved to support accept and adopt of Article 59 Correct Order of Taking Bank Street Beach. Mr. Hughes seconded the motion and the motion carried by a 4-0-1 vote with Mr. McManus abstaining from the vote.

6. STM #10 - Additional Funds for Construction Costs for New Iron and Manganese Removal Facility at North Westgate Wellfield

Mr. Clark reported that this resulted because the original amount was estimated at \$1.9 million and we now have the actual cost which is \$2.4 million. He stated that we now have an opportunity to adjust the amount we borrow. He noted that last year we borrowed \$1.3 million of the \$1.9 million and we took \$700,000 from available funds. He explained that if we borrow the \$700,000 we will be eligible for a credit of up to 20% under the SRF forgiveness program. He said that out of the \$700,000 we will use \$450,000 to cover the increased cost of the plan. He stated that we found we had a mistake in the amount we had available to borrow as we thought we had \$307,000 and we only had \$57,000. Mr. Ryan stated that it was an accounting error in his department which was missed by the auditors. Ms. Cebula questioned if we have a commitment to get this money back if we borrow more. Mr. Wiegand stated that we have met the criteria and are guaranteed to have a debt forgiveness. Mr. McManus moved to take a position of accepting and adopting Article 10 of the Special Town Meeting Additional Funds for Construction Costs for New Iron and Manganese Removal Facility at North Westgate Wellfield estimated cost \$700,535. Mr. Hughes seconded the motion and questioned the funding source. Mr. McManus noted it is debt paid by the Water Enterprise Fund. The motion carried by a unanimous vote.

1. STM #12 – Preservation of 100 Year Public Access to Bay View Beach

Mr. Ballantine moved to indefinitely postpone (STM #12). Mr. Hughes seconded the motion and the motion carried by a 4-1-0 vote with Mr. McManus in opposition.

NEW BUSINESS

- A. Approve the location of the accessible parking space on Town property for use by the new retail space at 546 Route 28 in accordance with Sec. 208-3 of the General Bylaws - *discussion and possible vote*

Town Planner Mr. Spitz and Mr. Childs of Patriot Builders outlined the request and took questions from the Board. The Board discussed possible other alternatives. Ms. Cebula moved to approve the location of the accessible parking space on Town property for use by the new retail space as shown on the plan (attached). Mr. Hughes seconded the motion. Mr. McManus stated that he doesn't think the proposal meets the standards as outlined in Sec. 208-3 and Chairman LaMantia agreed. The motion carried by a 3-2-0 vote with Mr. McManus and Chairman LaMantia in opposition.

ADJOURNMENT

Mr. Ballantine moved to adjourn at 9:06 p.m. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary

2014 Junk Dealer License Renewals

James G. Marceline
Marceline Salvage
202 Pleasant Lake Ave.
Harwich, MA 02645

Sandra Baylis Hall
Windsong Antiques, Inc.
P.O. Box 426
South Harwich, MA 02661

Ray Woodland
Woody's Furniture Repair
1353 Orleans Rd.
East Harwich, MA 02645

2014 Taxi/Limousine Permit Renewals

Kym Boyne Jr.
d/b/a Harwich Livery Service/Central Cape Taxi
109 Sisson Rd.
Harwich Port, MA 02646

John A. Geraci
d/b/a John's Taxi & Limousine
49 Rosemary Lane
Brewster, MA 02639

Ocelot Livery Services, Inc.
23 Samuel's Path
Harwich, MA 02645

ALL HAVE BEEN RECOMMENDED FOR APPROVAL BY THE HARWICH POLICE
DEPARTMENT.

4/23/14

Town of Harwich
Harbormaster's Office
715 Main Street – PO Box 207
Harwich, MA 02646
Phone (508) 430-7532
Fax (508) 430-7535

Memo

To: Christopher Clark, Town Administrator
From: John C. Rendon, Harbormaster
Date: April 07, 2014
Subject: Long Pong Public Mooring Fee

On March 31, 2014, the Board of Selectmen approved my proposed plan for establishing public moorings on Long Pond. However, my suggested permit fee of \$125.00 for a public mooring on Long Pond was not supported by the Board. In consideration of my plan for the Harbormaster Department to purchase the mooring tackle and set, haul and inspect the moorings each season, the Board felt that the mooring permit fee should be higher.

As such, I recommend that in addition to the \$125.00 mooring permit fee, which is consistent with a Class 3 salt water mooring fee, a \$100 Fresh Water Mooring Service Fee be applied to all Long Pond public mooring. The total fee for having a public mooring on Long Pond would be \$225.00. I have enclosed recommended changes to the Harbor Management Plan that includes these proposed fees.

Also, the total mooring fee of \$225.00 for each Long Pond public mooring should be deposited into the Waterways Receipts Reserve Fund where all mooring fees and one-half of boating excise taxes are held per MGL Chapter 40, Section 5G and MGL Chapter 91, Section 10(A).

Enclosure (1): Recommended changes to the Harbor Management Plan relating to Long Pond Public Mooring Fee

2.0: DEFINITIONS

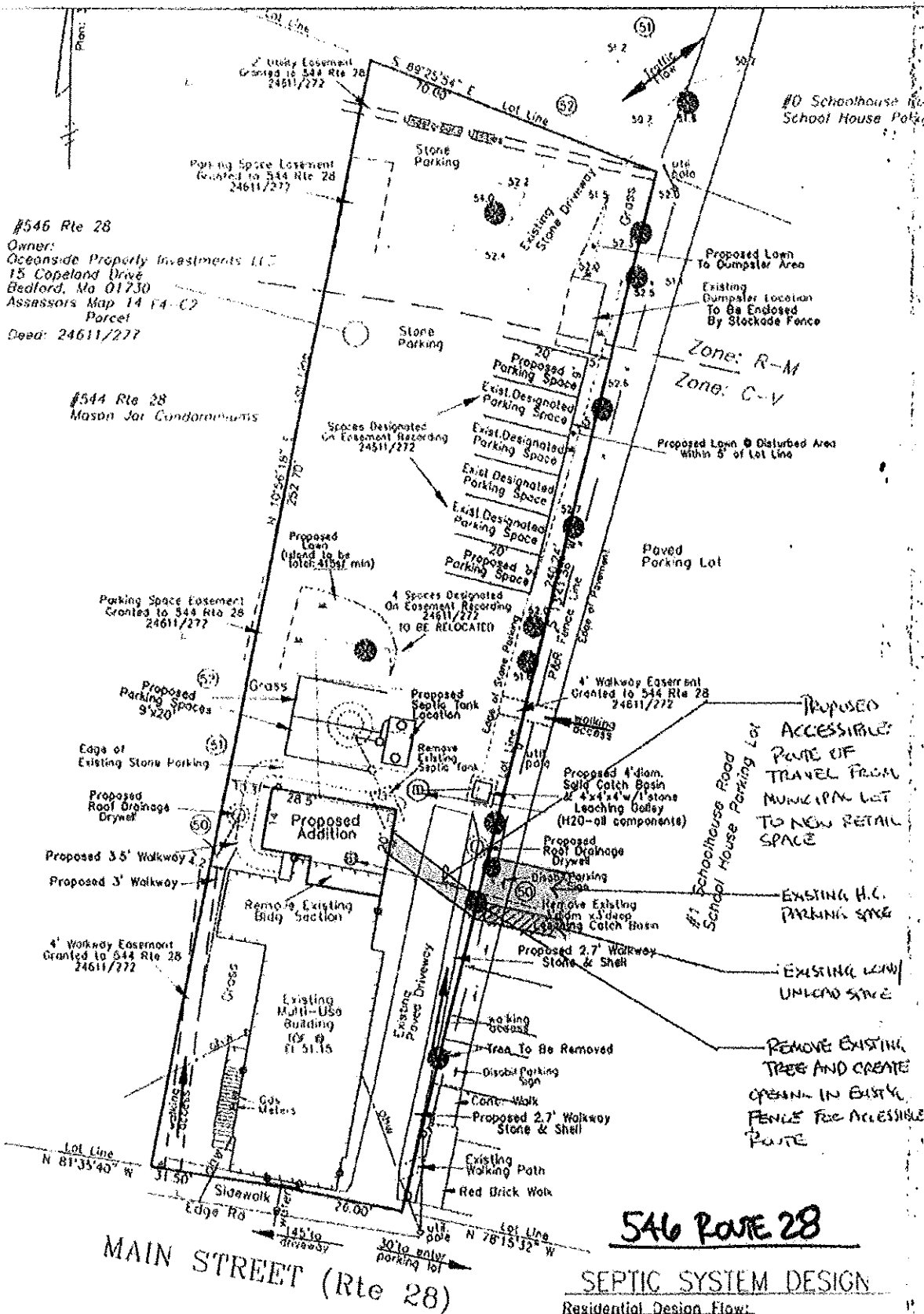
Fresh Water Mooring Service Fee: Fee assessed for the equipment and maintenance of the Long Pond Public Mooring Fields.

B. Mooring Rates - All harbors and Ponds (All mooring fees are non-refundable)

Class	Boat Length	Fee
Class 1	Over 35' feet	\$280.00
Class 2	25' feet to 35' feet	\$220.00
Class 3	24' or less **	\$125.00
Private Property Pond Boats (docked or moored)	All*	\$50.00

*All Boats with the exception of Board Boats as defined in Section 2.0: Definitions

** Additional \$100.00 Fresh Water Mooring Service Fee assessed for Long Pond Public Mooring Fields (See Definitions).



MAIN STREET (Rte 28)

PROPOSED CONDITIONS PLAN

