

# **Board of Selectmen Minutes**

## **01/09/2012**

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, JANUARY 9, 2012  
7:00 P.M.**

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

**OTHERS PRESENT:** Town Administrator James Merriam, Chief Mason, David Ryan, Paula Champagne, Bob Bradley, Wayne Kucha, and others.

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

Chairman Ballantine reported that the Board had just come out of Executive Session where they discussed real estate and collective bargaining.

### **WEEKLY BRIEFING**

Town Clerk Anita Doucette swore in Robert Brackett as Police Sergeant and the Board congratulated Sergeant Brackett.

### **PUBLIC COMMENT/ANNOUNCEMENTS**

Wayne Kucha asked the Board to put on their agenda to do a study to consider the feasibility of eliminating hunting in the Bells Neck Area and possibly Thompson's Field. Chairman Ballantine said he would like to take this to the Conservation Commission first as they manage the land.

### **CONSENT AGENDA**

- Minutes –
  - December 5, 2011 Regular Meeting
  - December 5, 2011 Executive Session
  - December 19, 2011 Executive Session
- B. Vote to award the contract for a new ambulance per the recommendation of the Fire Chief

C. Vote to decrease the membership of the Town-Wide Water Quality Task Force from 11 members to 9 members.

D. Vote to approve renewal of Common Victualler license for L'Alouette

Ms. Cebula moved all items except A3 which she noted they would be holding. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

**PUBLIC HEARINGS/PRESENTATIONS** *(no earlier than 7:00 P.M.)*

- Town Administrator to submit the FY 2013 Budget to the Selectmen  
Mr. Merriam and Mr. Ryan outlined the attached budget presentation to the Board.

- Joint Public Hearing – Finance Committee/Capital Outlay/Selectmen on the Capital Outlay Plan for FY 2013-2019

Mr. Hughes read the hearing notice into record and Chairman Ballantine opened the hearing. Capital Outlay Committee Chairman Pete Watson outlined the attached presentation to the Board. The Board discussed the plan after which Chairman Ballantine closed the hearing.

- Public Hearing (continued from November 21, 2011) – Recreation and Youth Rules and Regulations

Mr. Mahan stated that in September the Recreation and Youth Commission took up the matter of dogs on Red River Beach between Memorial Day and Labor Day as there were issues with dog owners not cleaning up after their dogs. He noted that they discussed the issue with the Health Director, Harbormaster and Highway Director after which the Commission decided they would go back to the way it had been prior to 2002 when all beaches were off limits to dogs between Memorial Day and Labor Day. He stated that the Recreation and Youth Commission's recommendation is no dogs on the beaches between Memorial Day and Labor Day. Chairman Ballantine noted that this extends the ban to the parking lot. Mr. Mahan stated that they don't have the resources to enforce this or clean up and our beaches are our number one draw. Ms. Champagne stated that we have very strict EPA standards now and the Board of Health, Natural Resources Department and Recreation and Youth felt we had to do everything we could to ensure that runoff from the parking lot would not be a detriment to closing our beaches. No one from the public appeared before the Board. Ms. Cebula moved that we accept the change to the Recreation and Youth Rules and Regulations as it relates to the change on Red River Beach and no dogs allowed in the parking lot or on the beach. Mr. LaMantia seconded the motion. Mr. McManus stated that he would feel better about taking this action if he thought it would have any impact but given that we have no resources to enforce and dogs are on the beach now even though they are prohibited it will have no impact as everybody already knows we can't enforce it. He stressed that those who

follow the rules are the only ones being penalized and that the people who aren't following the rules now aren't going to follow the new rules. Mr. Hughes recommended installing appropriate signage before the beaches open. The motion carried by a 4-1-0 vote with Mr. McManus in opposition.

## **OLD BUSINESS**

### **A. Procedure for Remote Participation – *review edits and vote to approve procedure***

Mr. Merriam noted that the changes have been incorporated into the document. He noted that someone has raised the question of who would pay for the cost of a phone call as a phone call from here would cost money. Mr. Hughes stated that the person calling in remotely should absorb that cost. Mr. McManus moved to adopt the draft Procedure for Remote Participation with the addition of Item #8 which will state "Cost of remote participation shall be borne by the remotely participating member" and move its approval. Mr. LaMantia seconded the motion. Ms. Cebula asked that the policy be consistent in the use of the words "chair" and "chairman" and Mr. McManus agreed. The motion carried by a unanimous vote.

### **• 2012 Cape Cod Claddagh Entertainment Licenses – *discussion***

Mr. Merriam read the attached letter from Mr. and Mrs. Connell. Mr. Connell stated that they have completed most of the work including installation of carpeting, blinds and sound proof drapes as well as a new area for the musicians to play. Mrs. Connell provided pictures of the work to the Board. Mr. Connell stated that he explained how the 2 door entrance would be to the Building Inspector and he said that was fine. Mr. LaMantia stated that the Board should not comment on this as it is not on the agenda. The Board agreed to put it on an agenda and concentrate on the indoor improvements at that time.

## **NEW BUSINESS**

### **A. Request by Harbormaster to submit CIC Grant application to develop system to control wash water from commercial fishing vessels in our Harwich fleet - *vote to approve***

At Mr. Leach's recommendation, Mr. McManus moved to authorize the Chair to sign application for a Community Innovation Challenge grant for a pressure washing system for our harbors in conjunction with the Town of Chatham. Katherine Garafoli of the Barnstable County Resource Development Department said she is available to provide grant writing and technical assistance to the Town. Ms. Cebula stated that she is concerned about the impact on the other businesses as this is only for 7 or 8 boats and she

is not sure why we are spending this kind of money if they can go to the commercial boatyards to do this. Stuart Smith, Chatham Harbormaster, also spoke in support of applying for the grant, and commented that it seems like a worthy program. Mr. LaMantia seconded the motion and the motion carried by a 4-0-1 with Ms. Cebula abstaining from the vote.

- Police Chief's response to vehicle accident on Bank Street.

Chief Mason cautioned that he is limited as to what he can say as the driver is a juvenile and this involves some family issues as well. He stated that people are hearing that the driver is getting away with nothing on this and that is not correct. He said when someone has an at fault accident the Police Department files a state accident report which assesses fault and it is a chargeable accident against their record. He noted that it goes into the computer so it is known there is a chargeable accident if there are future traffic issues. He stated that the family is always responsible in any juvenile accident for any deductibles and other expenses and in addition they will endure 3-5 years of insurance surcharges and in some cases the juvenile is not even insurable so to say that they walk away because they don't have a ticket is an incorrect statement. He reported that his department investigated 100 accidents arbitrarily and out of those only 11 received citations and those were OUI, multi-car accidents and personal injuries. He noted that there were no injuries in this case and it was handled consistently with other accidents in Town.

He reported that they had 38 calls for service at Bank Street Beach in 2011 and a vast majority were for noise. He said there were 59 officer initiated incidents where officers took actions based on their observations. He stated that there were some dog cases and a lot of calls were for suspicious vehicles. He noted that it is a public parking lot open to midnight and is adjacent to hotels, motels, and private residences and normal conversations in close proximity will carry particularly in the summer. He commented that the Constitution allows the right of assembly and freedom of speech and for the police to take action a disturbance must include words of threat or violence or potential to create a riot and most conversations don't fall into those categories.

He said he would like to form a regular beach patrol down there which would run about \$5,000 for which they have applied for a grant and it would also deal with underage drinking and distribution of alcohol. He added that he will be bringing forward an article to make some modifications to the by law as well. He noted that they have made drug investigations down there and have made arrests but stated that it is not a high drug crime area.

Mr. Purdy stated that it is wonderful that the police are responsive but they shouldn't have to be calling them all the time. He noted that there should some way to prevent the speeding in the parking lot and no one has given them good justification why there can't be a speed bump there. He further suggested reconfiguring the parking lot and adding

islands.

Chairman Ballantine responded that at this point he would like to move it to the working group and the Board agreed and he asked the Chief to organize it.

At Mr. Hughes suggestion, the Board agreed to set a timeline of March 1 for the Chief to report back to the Board on this issue.

## **TOWN ADMINISTRATOR'S REPORT**

Mr. Merriam delivered the following report to the Board:

### Assistant Town Administrator

I am in receipt of a resignation from Nan Balmer, effective January 27<sup>th</sup>. Nan has accepted the position of Assistant Town Administrator for the Town of Eastham. Her last day of work will be January 23<sup>rd</sup>. Nan has been a valuable asset to the Town of Harwich and a very hard worker in providing our office and all Department Heads with staff support. We will miss her and wish her well in her new position.

### DEP approves Landfill site for solar

Attached please find DEP's letter approving the solar array on the landfill cap.~ Two things to note: This approval revokes the permit to use the cap as a flying field (\$7k well spent lol)~ and condition 15 that requires monthly inspections and reporting for the first year and quarterly for the next 4 years.~ Jim, I believe this is the responsibility of either American Capital or CVEC, but it should be clarified.~ Nate, given that you have done all our environmental~monitoring and reporting, I think~for continuity sake it makes sense to have the contractor or CVEC to engage you for~compliance of this condition.~ Your thoughts?~ Thanks, Link~~

### McGuerty Road Betterments

The McGuerty Road reconstruction is complete.~ The road looks good, and the Engineering Department has received no complaints or concerns regarding this project. I have asked Bob Cafarelli to prepare the betterment assessments for your approval.

### CPA funding status

After several more hours between Dave Ryan, Dean and myself it was discovered that Mr; Ryan had double-counted the \$162K appropriated for the Fratus purchase. By correcting this error, the CPC now have \$1,156,112 to allocate, not the \$994,112 shared earlier.

Again, I would note that the three Reserve" buckets" contain:

Open Space	379,461
Historic	92,226
Housing	259,616
Total =	\$ 731,303

In addition, each of these three areas gets its 10% of collections, as required by the Act, or \$142,250 (sum of all 3 = \$426,750). This means we must, by the Act, either recommend projects, or put funds into the area's reserve.

Area	Reserve	10% requirement	Total Req'd \$ for each area
Open Space	\$379,461	\$142,250	\$ 521,711
Historic	92,226	142,250	234,776
Housing	259,616	142,250	401,866
Sub-Totals =	\$ 731,303	\$426,750	\$1,158,053

So, with a total of \$1,156,112 to allocate, and with a total of \$1,158,053 (yes, we're short \$1941) we must put into the 3 areas ( or into their reserve "bucket"), we have no new funds available this year for Recreation projects, as we've talked before.

Jack

#### Joint Golf Committee with Chatham

Hi Jim – The BOS voted last night to:

- Form an advisory committee to explore the feasibility of a partnership for both communities to share golf resources (need a week or two to accept Talent Forms/ applications from interested parties and then the BOS make the appointment).
- The composition of the committee would be three members from each community, for Chatham: one selectman, one member from golf advisory committee and ~~the Director of Golf~~ a member of the public.

As you may know, we have a contract for golf course management so we will need to reach out to the Sports Management Group. Selectman Sean Summers will serve as the Liaison and your BOS Chairman has his contact information. We will let you know when the BOS finalizes the appointments. Thx!

Jill R. Goldsmith

Chatham Town Manager

Vital Program update from Ginny Hewitt

If it's not too late, here's an update on our VITAL program for your report to the Selectmen. If it's too late for this week, can you include it in next week's report?

Ginny

~

Update from Library Director on VITAL program:

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I'd like to share some good news. A librarian at the Chicopee Public Library learned about our Vision Impaired Technology Assistance at the Library (VITAL) program while a graduate Library Science student at Simmons College, where it's studied as an innovative program providing library service to an under-served population. With our pledge of support Chicopee applied for a grant from the Mass. Board of Library Commissioners, and this fall they were awarded \$20,000 to purchase assistive technology and create an instructional program modeled after VITAL. We only know of one other public library in the nation with a similar program, so we're delighted to assist Chicopee establish their program. In December we hosted a two-day site visit by several Chicopee librarians. We shared the policies, procedures and curriculum developed by our Assistive Technology Coordinator Carla Burke, and they were very appreciative. After meeting with volunteer tutors and VITAL students, the visiting librarians told us that hearing first-hand from people with vision loss about the tremendous difference our instruction has made in their lives was very motivating and one of the most important elements of the visit. One later wrote "Words cannot express how grateful we are to have spent two days in your library.~ We left there inspired to create a program here in Western Mass. that will strive to do what you do with VITAL." Harwich residents and Town officials should be proud that our library is able to offer a program that remains a national model, and I'd like to commend Carla Burke for her work in creating and managing the VITAL program.

Ginny Hewitt - Director, Brooks Free Library

**SELECTMEN'S REPORT**

The Board agreed to meet at 2:00 on Friday afternoon to discuss articles.

**ADJOURNMENT**

Mr. LaMantia moved to adjourn at 10:12 p.m. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel  
Recording Secretary