

# **Board of Selectmen Minutes**

## **01/14/2013**

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, JANUARY 14, 2013  
7:00 P.M.**

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

**OTHERS PRESENT:** Town Administrator James Merriam, David Ryan, Geoff Larsen, Jack Brown, Carole Ridley, Matt McCaffery, Joe McParland, Jeremy Gingras, Joanne Rys, and others.

**MEETING CALLED TO ORDER** at 7:00 p.m. by Chairwoman Linda Cebula.

### **WEEKLY BRIEFING**

Mr. McCaffery, Planning Board Chair, read the attached letter regarding East Harwich zoning to the Board.

### **PUBLIC COMMENT/ANNOUNCEMENTS**

Mr. Brown presented a check for the revolving fund Senior Dining Program from the Friends of the Harwich Council on Aging in the amount of \$1,190. Mr. McManus moved to accept the donation from the Friends of the Harwich Council on Aging for the purpose of funding the dining program. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

Ms. Ridley, speaking on behalf of the East Harwich Village Collaborative, disagreed and disputed many of Mr. McCaffery's remarks with regard to the Collaborative's plan and cited examples as such. Mr. McParland requested that the Board consider appointing a neutral third party to bring the parties together.

Mr. McManus called for a moment of silence on the passing of Dick Hoyer who he noted served on numerous Town building committees including the Police Department and Elementary School.

## **CONSENT AGENDA**

- Vote to accept the resignation of Tom Gould from the Waterways Committee
- Vote to approve Caleb Chase Fund request in the amount of \$700.00
- Vote to set seasonal population at 30,500 for Alcoholic Beverages Control Commission
- Vote to approve application for One-Day Entertainment License for wedding to be held June 29, 2013 at Lavender Farm

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

## **OLD BUSINESS**

- A. Letter to Rep. Peake and Senator Wolf regarding Health Care for Elected Officials – *discussion and possible vote to sign*

Mr. McManus and Mr. Ballantine recused themselves on this item. Mr. Hughes suggested adding wording to the letter indicating that time is of the essence. He questioned what the Board can do to protect this from dragging on and suggested asking Town Counsel. Mr. Merriam said he could add language regarding the timing importance. Mr. DeCosta noted that the deadline to refile the bill is Friday and the Senate is relying on the House to refile it and act on it first. He noted that Finance Committee will be taking this matter up shortly. Mr. Hughes moved to strengthen this, the fact that Town Meeting passed it we are looking for this to be moved through the process, and to add a deadline of April 30, if we don't have an answer by then we will have to do something else. Mr. LaMantia seconded the motion and the motion carried by a 3-0 vote. Mr. Hughes suggested asking Town Counsel what our recourse is.

## **NEW BUSINESS**

- A. HECH request for Selectmen to support waiver of the appraisal requirement as required by the Mass Housing Partnership relative to the 93 and 97 Rte 28 Housing Project – *discussion and possible vote*

Mr. Hughes moved that we grant the request to support the waiver of the appraisal requirements. Mr. Ballantine seconded the motion. Mr. McManus said he was abstaining from this vote as the project calls for the demolition of one of the older structures in West Harwich, specifically a house built by the Chase family and occupied for some time by them which is one of the structures that would support establishment of the West Harwich historic district. He added that this project would use Community Development funds and part of the Community Development Program supports historic

preservation so this is a contradiction.

Chairwoman Cebula noted that they looked at it and determined that rehabbing it into affordable housing would be cost prohibitive.

Mr. McManus responded that they could have applied for CPC funds for both housing and historic purposes.

The motion carried by a 4-0 vote.

B. Bike sign fee waiver – *discussion and possible vote for Town Administrator to sign*

Mr. Larsen stated that authorization is needed from the Board of Selectmen for placement of the signs and waiver of the fee. He noted that he would accept one application for all signs but he hasn't received the application yet.

Mr. Spitz stated that the bike routes have been looked at by Bikeways Committee and he has looked at them as well. He noted that these are international bike route signs on stanchions. Mr. LaMantia said he would like to see the application indicating the locations. Mr. Larsen noted that there 34 signs proposed at a fee of \$55 each. The Board agreed that more information is required including the size of the sign and list of locations.

C. Town Administrator and Assistant  
Town Administrator hiring process –  
*discussion &  
possible vote*

Mr. LaMantia stated that the situation has changed now that Mr. Merriam is retiring. He noted that the new Town Administrator may want a different skill set in an Assistant Town Administrator and we should allow the new Town Administrator to make that choice. He suggested taking another couple of months to hire a Town Administrator and he added that we need to review the job description as well.

Mr. Hughes stated that it is driven by who applies and what their strengths are and he doesn't think we should wait. He questioned how far we are into the second round.

Chairwoman Cebula responded that there are 6 to 8 names out of 50 or so resumes that look like very good candidates and they were planning to interview but held off to have this discussion. She stated that she is concerned we will lose some of these people if we hold off. She commented that many of us are not able to hand pick our staff and that she was never able to.

Mr. McManus stated that given the timing he doesn't see why we should hire the Assistant Town Administrator without including the new Town Administrator. He said it bothers him that he had been contacted by 7 different people who questioned if there was an inside favorite candidate. He stated that if you send a message that the new Assistant is the favorite candidate it may significantly diminish the pool of candidates. He added that in the last 2 weeks he was also bothered after talking with people from other towns that believe there already appears to be a favorite candidate. Chairwoman Cebula and Ms. Rys both stressed that they haven't talked to any of these candidates and there is no favorite.

Mr. Brown encouraged the Board to wait to give the opportunity to the new Town Administrator to hire an Assistant and added that it is worth the wait.

Mr. Hughes stated that the applicants should be notified.

Mr. Ballantine agreed that we need to review the position description and expressed concerns about coverage.

Mr. Ryan encouraged the Board not to wait and noted that other departments have taken on a lot of work.

Mr. LaMantia stated that we need to hire a search firm.

Mr. McManus stated that he feels so strongly about this that if a candidate was selected he would vote against the appointment.

Mr. Ballantine said we need to move ahead with filling the Town Administrator position but we will need a transition period.

Mr. McManus pointed out that we could hire an interim Assistant Town Administrator if we see there is going to be a gap and that person could stay on after the new Town Administrator is hired to help make the transition.

Chairwoman Cebula said she would put the position description on next week's agenda and will seek 2 or 3 search firms and ask them to provide what their services and fees are. She added that she would like to hear from people interested in being on the screening committee. She asked that a letter go out to candidates indicating that due to Mr. Merriam's retirement we will be holding on this.

## **TOWN ADMINISTRATOR'S REPORT**

Mr. Merriam delivered the following report to the Board:

Coastal Living

Chamber Director Jeremy Gringas has informed me that Harwich Port has been named on of the top 10 happiest seaside towns for 2013

January 10, 2013

Lisa Simmons

Massachusetts Office of Travel & Tourism

10 Park Plaza

Suite 4510

Boston, MA 02116

~

Ms. Simmons,

Congratulations! *Coastal Living* has named your town one of "America's Happiest Seaside Towns" for 2013.\* This is an annual list and we are very pleased to include Harwich Port this year. The ten winning towns are named in our February issue (page 44), on newsstands January 11. To add to the excitement, our announcement also includes a call to action. We invite readers to vote daily for their favorite town on [coastalliving.com/happytowns2013](http://coastalliving.com/happytowns2013) from January 10 to February 28. The results will then appear in our June 2013 issue (on sale May 17). The towns will be ranked from No. 1 to No. 10, and each town will be featured as part of our cover story devoted to "America's Happiest Seaside Towns."~ Last year, our list garnered more than 100 million media impressions, and we know you will want to be a part of this historic moment for your town. We encourage you to rally residents and visitors to vote for Harwich Port.

We are happy to have you publicize this honor and have attached the "America's Happiest Seaside Town" logo for your use

Happiest Seaside Towns logo for your use in accordance with the enclosed terms. If you have any questions related to publicity, please contact *Coastal Living* Communications Manager Megan Levinson at (212) 522-3773, or at [megan\\_levinson@timeinc.com](mailto:megan_levinson@timeinc.com).~

Congratulations again—and here's to continued happiness for all those living by the sea!~

Sincerely,

Antonia van der

Meer~~~~~

~~~~~Charles Kammerer

Editor-in-Chief,

*CoastalLiving*~~~~~

Publisher, *Coastal Living*

~

~\*Towns were chosen based on criteria that included ranking on the Gallup-Healthways Well-Being Index, percentage of sunny days, healthiness of beaches, commutetimes, walkability, standard of living, financial well-being, geographic diversity and an editorial assessment of "coastal vibe." The coastal locations named on our 2012 list of America's Happiest Seaside Towns were not eligible for the 2013 list.~

#### FY 14 Operating Budget

Attached is the narrative explanation next to each line item provided by Finance Director David Ryan. I continue to meet with Department Heads who are seeking reconsideration of some of my recommendations.

#### 72 Willow Street

Confirming our telephone conversation, the Willow Street title issues can't be resolved with simply title research.~ There are clearly missing interests which would need to be acquired.

Such acquisition needs an appropriation from Town Meeting based upon appraised value of those interests.

Mike Ford

#### Commander

John Rendon has found a March 31, 1997 US Commerce letter regarding the Commander in which Harwich is precluded from trading in the Commander, but can only scrap. (see letter)

#### Allen Harbor update

Burnham has removed 18,200 c.y. as of Jan. 7<sup>th</sup> We have asked Burnham move to Cuts 1 & 2 prior to January 15<sup>th</sup> (approximately 10 loads). Then Burnham has until Feb. 28<sup>th</sup> to complete the Marina area. Burnham has quoted a silt screen across the harbor as per DMF requirement.

The County Dredge will start pumping and building the sand berm on Monday at Pleasant Road Beach. I've created an excel spreadsheet of revenues and expenditures.

#### Barnstable County Flood Maps

Here's a quick update on where FEMA stands with their mapping of Barnstable County:

The pre-FIRM products for Barnstable County, MA will be discussed with the Communities in February 2013.~ The Region is scheduled to deliver Preliminary FIRMs in March/April 2013.~ Barring any appeals, they plan on a June 2014 effective date.

The Regional Office will be reaching out to all affected community POCs by the end of next week to inform them of the schedule.

I have attached a fact sheet on grandfathering.~ ~There is also one on



Preferred Risk Policies (PRPs) attached.  
Some excellent information can also be  
found on [www.floodsmart.gov](http://www.floodsmart.gov).

Stefanie Coxe  
District Representative, Hyannis Office  
Congressman William Keating (MA-9)

#### East Harwich Re-zoning

Attached is a copy of Planning Board Chair  
Matt McCaffery's opening remarks and a  
second follow up letter after the Public  
Hearing.

Attached is a letter from the Association to  
Preserve Cape Cod to the Harwich planning  
board, which was read into the record at the  
1/8/12 public hearing for the East Harwich  
zoning proposal. The board of selectmen  
are copied on the letter.

Please let me know if you have any  
questions.

Don Keeran

Assistant Director

Association to Preserve Cape Cod

For the Board of Selectmen records,  
attached please see a copy of HCT's 8.Jan.  
2013 comments on the Planning Board's  
12.Dec.2012 zoning proposal for E.  
Harwich presented at the Planning Board's  
hearing on 8.Jan.2013.

Michael W. Lach

Executive Director

#### Shed gift

Tim and Lise White have donated the shed  
to the Recreation Dept. and Highway will  
remove from 45 Dunes Rd starting Jan.

14<sup>th</sup>. MIIA has provided insurance  
coverage. The shed will be relocated behind  
the Community Center.

## MIIA

We met with our Loss Control MIIA rep to discuss claims and offer programs to reduce losses. Chief Mason will pursue a MIIA \$5000 grant to increase security.

## **SELECTMEN'S REPORT**

- Review of draft Town Meeting articles

Mr. McManus suggested making changes to the Charter and By-Law amendment articles and said he would submit exact language.

Mr. Hughes asked for an update on the business plan for the Community Center expansion.

- Role of Board of Selectmen regarding East Harwich zoning – *discussion on next steps*

Mr. Hughes stated that he doesn't think either the Planning Board's plan or the Collaborative's plan would muster the required 2/3 vote at Town Meeting. He said we could not do anything and see if over time this can sort itself out. He noted that they haven't heard the Chamber weigh in. He recommended that the current zoning be described pictorially along with what it could look like. He added that the plan needs to address another gas station in East Harwich and he stressed that visuals are very important to understand this.

Mr. LaMantia stated that we need to also discuss the impact of sewerage of this area to Pleasant Bay. Mr. Spitz said they will be glad to show the Board all the visuals and now is the time for the Board to take a much more active role in directing this process.

Mr. McManus said he doesn't see us being able to get a timeline together in time to get this to Special Town Meeting this year. He said there are fundamental decisions we need to make, particularly both of these plans promote a smart growth village and we have to decide if this is the way we want to go as well as how we would link it to the surrounding areas.

Mr. Ballantine suggested using an outside group, such as the Consensus Building Institute or a broad group of people perhaps which would include Collaborative and Planning Board members, Selectmen, and possibly the Chamber of Commerce to talk this through as we can't work it out in the forums that now exist.

The Board took comments from Carole Ridley with regard to wastewater.

Mr. Hughes stated that we won't have the time to devote to this prior to Town Meeting and it is not wise to take either of the proposals to Town Meeting as they exist now. He suggested taking it up immediately after Town Meeting and getting the 2 groups together in an effort to find some common ground to hopefully get it passed at a future Town Meeting.

Mr. McManus reiterated that first we need to decide what direction we want to go in before we try to mediate a proposal and we should be responsive to the proposals we have and not start from scratch.

Mr. Spitz suggested taking on some of the major issues first. He added that he has

most of the visuals and can present them to the Board but asked the Board to take the time to fully educate themselves on the plans and Chairwoman Cebula agreed.

Mr. Hughes said Consensus Building Institute could come in with a presentation to tell us what their process is and Mr. LaMantia said we have to start with the vision of the 2 groups. Mr. Hughes said we still need to educate the public.

Chairwoman Cebula said we should ask both groups to prepare a presentation on their vision. Mr. Spitz agreed and said he should also have input. Mr. McParland said the Planning Board would be more than glad to submit something.

Mr. Gingras stated that the Chamber has heard both plans and has an understanding of what it would take to get a proposal together that would pass at Town Meeting. He noted that they have meeting scheduled to discuss some of this and they could have a vision to present the Board. Chairwoman Cebula asked him to update the Board in the next few weeks.

## **ADJOURNMENT**

Mr. Ballantine moved to adjourn at 8:59 p.m. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel  
Recording Secretary