

# **Board of Selectmen Minutes**

## **01/23/2012**

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, JANUARY 23, 2012  
7:00 P.M.**

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

**OTHERS PRESENT:** Town Administrator James Merriam, David Ryan, Chief Norman Clarke, Geoff Larsen, Mary Anderson, Bob Bradley, Patti Smith, Jane Martin, and others.

**MEETING CALLED TO ORDER** at 7:15 p.m. by Chairman Ballantine.

Chairman Ballantine reported that the Board had just come out of Executive Session where they discussed contract negotiations and personnel.

### **CONSENT AGENDA**

- Minutes –
  - December 19, 2011 Regular Meeting
- January 13, 2012 Regular Session
- B. Vote to accept \$300 from the Friends of Harwich Town Band to help defray the cost of new music for the band
- C. Vote to approve request by Harwich Port Seafarer and the Mooncussers Tavern to close at the end of the month until March 15, 2012 for renovations
- D. Authorize the Chairman to sign the acknowledgement of the Town's membership with the Cape Cod Mosquito Control Project and its associated costs

Ms. Cebula moved approval of the Consent Agenda. Mr. McManus seconded the motion. Mr. Hughes stated that the size of the generators needs to be corrected in the January 13, 2012 minutes. The motion carried by a unanimous vote. Ms. Rose delivered a check to the Town in the amount of \$300 from the Friends of the Town Band.

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

- Crowell Barn – *discussion with Bob Bradley*

Mr. Bradley, representing the Historical Commission and the Friends of Crowell Barn, asked for the Board's approval to reconstruct the Crowell Barn on Town owned land abutting Brooks Academy and he provided plans as such. He reported that they have managed to transfer the property to the A. Elmer Crowell American Bird Decoy Foundation so it is now ready to be gifted to the town. He noted that the building has huge historic significance and that Mr. Crowell is known internationally. He commented that it will be very beneficial to Harwich Center in attracting tourists. He added that an available collection might come here if we have somewhere to put it. Chairman Ballantine questioned who will operate and run it and Mr. Bradley responded that they are looking for the Brooks Academy Museum Commission to run it. He noted that there will be no heat and they expect to have it open from June to October and they would probably want a water line. He noted that they are planning on having fundraisers for the maintenance of the barn which will be absolutely minimal.

Patti Smith said the Crowell Foundation has already signed an agreement gifting the barn to the Town. Ms. Cebula asked who would be managing the building and Brian Murphy of the Brooks Academy Museum Commission responded that it hasn't been brought to them and they already have trouble financing the buildings they have.

Jane Martin of the Historical Society said they haven't been able to vote to accept any of this responsibility because they are not responsible for the buildings but they are in favor of finding a way that this can work due to its historical importance.

Mr. Hughes questioned who was going to oversee putting it back together with the \$140,000 they have requested from CPC funds. Ms. Smith stated that they plan to hire a consultant to guide them and she thinks it is going to be self maintaining from the money they raise. She stated that opening the building would be under the auspices of the Historical Society and the maintenance of the outside of the building would go under the auspices of the Brooks Academy Commission but the project hasn't been approved by the Commission yet.

The Board agreed that there needs to be an organized group and formal plan to maintain the building and that the agreement must be reviewed by Town Counsel. Ms. Smith submitted the agreement to the Board. Ms. Cebula moved to have this vetted by our attorney and brought back to us. She said that once it has been approved by the attorney they should approve it. Mr. Hughes seconded the motion. Mr. LaMantia asked that the motion be amended to include a business plan and Ms. Cebula amended her motion to include that a business plan be written and prepared and identification of the organization that is going to run the building. Mr. Hughes seconded the amendment. Mr. Spitz agreed to work with the Historical Society on this. The motion carried by a unanimous vote.

## **OLD BUSINESS**

- Policy on Appointments to Town Boards, Committees, Commissions – *continued from January 3, 2012*

Ms. Cebula asked to table this item until next week and the Board agreed.

## **NEW BUSINESS**

### **A. Wastewater Implementation Committee Charge – *discussion***

Mr. Hughes reviewed the charge he drafted. The Board agreed that it should be specified that this is an advisory committee and Mr. LaMantia stressed that a report should be brought to the Board after each of the steps outlined in the charge. After discussion, Ms. Cebula moved to accept the charge for the Wastewater Implementation Advisory Committee as written with the proviso that at the end of each of these 3 major steps that a report is presented or given to the Board of Selectmen. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

### **B. Family Pantry request for waiver of fees associated with warehouse project**

Mary Anderson, Director of the Family Pantry, explained that they are in the process of doing an interior reconfiguration and expansion at the Pantry due to an increase in clients and services. She asked the Board to waive the related construction fees. Mr. Larsen stated that he just received the request and has not had a chance to do a full review but noted that the plumbing, gas and electrical fees cannot be waived and Mr. McManus noted to Ms. Anderson that the Board has a policy to that effect. Mr. Larsen noted that the construction fee would be approximately \$2,200. Mr. McManus stressed that any Building Department fees that the Board waives should be accounted for when considering the Building Department budget in the future. Mr. Ryan recommended that the fee be paid out of the Caleb Chase Employee Gift Fund and Mr.

Hughes and Ms. Cebula disagreed with using the fund for that purpose. Ms. Cebula moved to waive the fees and that Mr. Ryan figure out a journal entry to give credit to the Building Department and accumulate it somewhere. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

C. Warrant Article Review:

1. Noise By-law Amendment

Chief Mason highlighted the changes to the amendment. Mr. McManus suggested adding “or electronic versions thereof” to the section pertaining to church bells and chimes.

- Funding of Multi-purpose Stabilization Fund – *discussion*

Mr. Ryan provided the attached Power Point presentation on Multiple Stabilization Funds – Proposition 2 ½ Override for Funding Multiple Stabilization Funds. No action was taken.

## **TOWN ADMINISTRATOR’S REPORT**

Mr. Merriam delivered the following report to the Board:

### Creation of Multiple Stabilization Funds

Attached is the Department of Revenue’s Information Guideline Release dated January 2004 relating to creation of Stabilization Funds and funding overrides for Stabilization Funds.

### Personnel

I attended the Facilities Committee meeting

at which time they submitted a letter seeking re-classification of Mallory Kender. They also raised the question about fee setting for meeting rooms given the variance between Community Center and Library rentals.

#### Cape Cod Municipal Health Group

The FY 13 health rates have been set based upon \$ 8.1 million applied subsidy. We have some preliminary numbers and are waiting for Carol Cormier from GBS to reset the new rates in spreadsheets. We may have calculations firm by Monday.

#### Downey Property Remediation update

Bob Cafarelli, at my request, has provided us with an update. (see attached)

#### Caleb Chase Fund

Attached is the FY 11 annual report from the Trustees indicating the fund balance including investments and disbursements. Also attached is the Town of Dennis' brochure.

#### Community Center Wellness Center

The Design Review Committee consisting of Ray Jefferson, Bob Cafarelli and Carolyn Carey heard presentations from three architectural firms who submitted proposals for Phase 1 (lower level) and 2 expansion (pools). Selectman McManus, Jill Mason, Lee Culver and I also heard the presentations.

#### Recreation program

I asked John Mahan to ask the Rec and Youth Commission to consider a sand and salt program as posted in the Walpole Rec program (see attached).

### Foodrunner USA

Robert Mador from Harwich is proposing to start a business (mobile kitchen) to be located at the Rt 124 Park and Ride utilizing disabled veterans as employees. I also asked Robert to meet with the Rec and Youth re: our RFP proposal to sell at our beaches too.

### Harwichport Sidewalk

Hello again George,

I met with the Town Engineer today at the site and reviewed the suggestion to extend the curb cut by beginning the ramp decline approximately eight feet earlier and rotating the detectable warning to be perpendicular to the route of travel of the sidewalk. These changes will expand the landing area of the ramp and allow it to remain within the sidewalk. It will also widen the curb cut and allow pedestrians to follow the route of travel of the sidewalk. He agreed with the suggestion.

I would request that you implement these changes on both sides of the driveway. This improvement will accommodate the needs of the pedestrians in Harwichport. I hope you can also make some additional improvements to our sidewalks in Harwichport.

Thank you for your understanding,

Paul Erickson

Harwich Disability Rights Committee

### Private financing

Craig Wiegand arranged for me to meet with Chris Bailey from Bailey Brokerage and consulting and Teno West and Bruce Tobey from Pannone Lopes Devereaux and West law firm re: public /private partnering re: wastewater. Craig suggested that the Cape should pay for one treatment plant design rather than multiple designs (similar model

to MSBA school design) in order to save money.

Bells Neck signage

Chief Mason recommended the following  
“WARNING, THIS AREA SUBJECT TO  
VIDEO SURVEILLANCE UP TO \$300  
FINE FOR IILEGAL DUMPING”

Bank St Beach Improvement Committee  
formed by Chief Mason

Above are the e-mail addresses I have received to date. ~Please review and confirm that they are correct and let me know if any interested resident is missing from the list. ~I have contacted the Youth and Recreation Committee (John Mahan) as well as the Highway and Maintenance Department (Link Hooper) to identify who will represent them on our Team. ~Lieutenant Barry Mitchell and Sergeant Kevin Considine will be working with our Team from the Police Department in addition to me. ~Once we have everything confirmed, we will schedule a meeting date/time to start our work. ~I am planning on hosting our meetings at the Harwich Public Safety Facility; we can utilize the conference room or Training/EOC room depending upon the size of our group.

**ADJOURNMENT**

Mr. LaMantia moved to adjourn at 9:36 p.m.  
Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

Respectfully Submitted,

Ann Steidel  
Recording Secretary