

Board of Selectmen Minutes

01/30/2012

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, JANUARY 30, 2012
7:00 P.M.**

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

OTHERS PRESENT: Town Administrator James Merriam, David Ryan, Attorney William Gens, Attorney Joseph Cavanaugh, Leo Cakounes, Bob Green, Jeremy Gingras, Carole Ridley, Gerry Loftus, and others.

MEETING CALLED TO ORDER at 7:10 p.m. by Chairman Ballantine.

CONSENT AGENDA

- Approve minutes – January 3, 2012 Regular Meeting
- Vote 2012 seasonal population of 30,500 for Alcoholic Beverages Control Commission
- Vote to approve new application for Common Victualler license to Bonatt's Bakery & Restaurant
- Vote to appoint Ray Gottwald as Assistant Registrar
- Vote to approve request to close the Community Center to other events and only open the building for the Presidential Election on November 6, 2012

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

OLD BUSINESS

A. Crowell Barn Gift Agreement – *tabled from January 23, 2012*

Mr. Bradley, Historical Commission Chair, distributed a gift agreement and urged the Board to accept the gift of the barn. Mr. McManus moved that we authorize the Administrative Officer to sign the gift agreement and send it to the Crowell Bird Decoy Foundation for their approval and signature and to accept the gift. Mr. Hughes seconded the motion and the motion carried by a unanimous vote. The Board agreed to consider the

business plan drawn up by Mr. Loftus at a later date when real numbers are available.

B. 2012 Cape Cod Claddagh Entertainment Licenses – *discussion and vote*

Attorney Gens described the work to be done as outlined in the submitted schematic and said they are confident that it will preclude any other issues and address all concerns. He asked the Board to approve the license.

Attorney Cavanaugh said there was no mention of air conditioning from Attorney Gens which was mentioned in the past and would be significantly helpful. He added that there should also be some kind of monitoring system with a log.

Attorney Gens responded that there is a fully operational air conditioning system and it can be stipulated that they will not prop open doors or open windows during entertainment.

Mr. Hughes said the conditions should be modified to indicate that it is just indoor entertainment and that the first sentence referring to the pool deck in item #2 should be deleted. He noted that item #11 should be changed to include that the windows will be maintained, doors will be closed, louvers will be closed, curtains will be closed and they will run the air conditioning. He stated that the decibel meter and log didn't have much of an effect. At Mr. Cavanaugh's request the Board agreed to keep item #13 and cross off "outdoor." Mr. McManus stated that item #8 should indicate that the submitted schematic would be attached.

Mr. Hughes moved, subject to those conditions that we read and discussed including Mr. Cavanaugh's recommendation that #13 is included and modified as indoor, that we approve the Sunday and Weekday Indoor Entertainment License for the Claddagh Inn. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

- Policy on Appointments to Town Boards, Committees, Commissions – *tabled from January 23, 2012*

Ms. Cebula noted that the recommended changes had been made to the document. Mr. McManus moved to adopt the policy on Appointments to Town Boards, Committees, and Commissions. Mr. LaMantia seconded the motion. No one from the public appeared before the Board. The motion carried by a unanimous vote.

NEW BUSINESS

A. Request by Housing Committee for \$100,000 from Affordable Housing Fund for

development of an Affordable Housing Land Acquisition Fund contingent on CPC funding

Chairman Ballantine reported that the Housing Authority did not support this request. Mr. Loftus gave a recap on the development of affordable housing and said he wants to be able to move relatively quickly when the opportunity appears for land. Mr. Ryan noted that we have \$133,000 in the fund available for appropriation. Mr. McManus stressed that the purchase of land takes a vote of Town Meeting and one of the purposes of the fund is acquisition of property. Mr. Cakounes echoed Mr. McManus comments and spoke against the request as did Mr. Hughes. Mr. Hughes moved to deny the request. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

B. Vote to approve Traffic Rules and Orders for Route 124 and Queen Anne Road.

Chief Mason stated that this is a formality so that it can be properly put into our books. Mr. McManus moved to approve Traffic Rules and Orders for Route 124 and Queen Anne Road. Mr. Hughes seconded the motion.

Mr. Hughes stated that the “No Right Turn on Red” signs are new and Chief Mason responded that they were put up during repair work on the lights as it was cheaper to have it done that way. Mr. Hughes stated that they are very hard to see at night and people didn’t know they went up. He suggested lowering the signs. Mr. LaMantia expressed concern that the signs will cause the traffic to back up during the summer and he questioned how long the signs had been up. Chief Mason responded that they had been up for a couple of months and they were installed with the signalization through the Highway Department and Traffic Safety Committee due to a line of sight issue. Mr. McManus stated that both the lights and signs should be down at about the 12 foot level. Ms. Cebula stated that the Board should approving these things before they are installed, not after. Mr. Cakounes commented that the Traffic Safety Committee does not have power to vote and have signs put up but can only make recommendations to the Board. He said there is no need for the signs and a lot of money was spent on the intersection. He pointed out that there was no opportunity for the public to come forward on this issue.

Mr. Hughes stated that the people who designed the intersection were negligent in their design and we should get them in here to explain their design as well as the Traffic Safety Committee. Chairman Ballantine asked Chief Mason to explore this further. Mr. McManus modified his motion

to approve only items 1 (Obedience to the Traffic Control Signals) and 2 (Installation of Signal Ahead Advisory Signs with a 30 mph Advisory Speed Plaque) and call for item 3 (Installation of No Right Turn on Red Restrictions) to be tabled and brought back with further information. Mr. Hughes seconded the motion. Chief Mason said he would need a couple of weeks to report back. The motion carried by a unanimous vote.

C. Warrant Article Review:

1. #7 Chase and Harwich Port Libraries

Bob Green, Treasurer, outlined the article and took questions from the Board. Mr. Cakounes spoke in support of the article.

2. #8 Promote the Town of Harwich

Jeremy Gingras spoke in support of the article and took questions from the Board.

3. #14 Fund Design of Muddy Creek Culvert/Bridge

4. #29 Pleasant Bay Resource Management Plan Amendment – *Carole Ridley*

Carole Ridley, Director of the Pleasant Bay Alliance outlined the articles and took questions from the Board.

TOWN ADMINISTRATOR'S REPORT

Mr. Merriam delivered the following report to the Board:

Monomoy Regional School Budget

Chairman Ballantine, Finance Director Ryan and I attended the presentation of the first MRSD budget by Supt. Cragin to the School Committee at the new Chatham Annex on January 25th. Attached is a copy of the FY 13 Budget Summary and Power Point presentation. Unfortunately, the proposed Harwich assessment is \$21,079,911. In my Budget presentation to you on January 9th, I had submitted an assessment of \$18,689,498, which is **\$2,390,413** less than their current budget request. This information was submitted to the Monomoy School Committee last night. The Monomoy School Administration has offered to present their budget to a jointly posted meeting of your Board and FinCom on February 6th at 7:15pm. The proposed Budget schedule has March 14th as the date for the School Committee to approve their budget. After this meeting, Selectman David Whitcomb, Jill Goldsmith and Alix Heilala provided me with a tour of their new Annex, which is quite impressive.

Local Aid

Lt. Governor Murray distributed the attached handout which highlights the Governor's FY 13 Budget. The Governor's Budget provided us with \$337,990 in unrestricted Aid, whereas I carried \$364,333, which is a shortfall of \$26,343 representing the \$65m distributed statewide last October. Based upon all of the Local Aid Receipts and Charges, the shortfall is only \$14,595. The Governor's budget will include \$706,450 in Chapter 90 Aid and \$2,384,540 in Chapter 70 for Monomoy.

Middle School Repurpose Committee

As per the request of Committee Chair Robin Wilkins, I have written to Interim MSBA Director Jack McCarthy to seek their position relative to Harwich repurposing the Middle School based upon the assumption that a new High School is built and the middle school is declared surplus. I also requested Supt. Cragin to search their records for our copy of the 1990 Agreement. The audit for SBA reimbursement was completed around 1995, according to Dave Ryan. That SBA agreement would normally be included in the audit file.

Personnel

As per Mary McIsaac's recommendation, I hired Nancy Spence as an Administrative Assistant in the Treasurer /Collector's Office. Nancy currently works for the Orleans Public Works Department. She has accepted the position and will commence work on February 8th.

Assistant Town Administrator

The current position is Grade M-4 in the Personnel Non union compensation plan (\$61,841- \$77,231). A recent salary survey of Cape communities indicates that the ATA average compensation is \$86,703. I would recommend that the Town wants to remain competitive, recognizing the increased job duties and line responsibilities and we should regrade to M-5 at \$67,406- \$84,182 in order to competitively recruit and fairly compensate for this position.

Cape Mangers Position on Barnstable County

Based upon further input from Cape Managers, the attached indicates our organization's positions on government

structure.

Water Commission

I attended the Water Commission meeting on January 24th to discuss my proposed Re-org. Commissioner Thompson expressed that he was offended that I had publicly released my proposal before speaking to the Commission. I respectfully advised the Commission that I believed the proper protocol was to report first to the Selectmen, then start the dialogue with the Commission. The Commission supports the expansion to Water and Sewer Commission and Water and Sewer Supt., but disagrees with alignment under Public Works and believes they are not operating independently, but offer many services to other departments. The Commission interpreted the Public Works alignment as an attempt to apply water revenue to non water related costs, which is apparently a former practice. I assured them it was not the case. We concurred that Water revenue must be applied for capital investment. Selectmen LaMantia informed them of the Board's newly created Wastewater Implementation Advisory Committee and their seat on it. We agreed to keep researching the structural options and meeting periodically to discuss the relative merits.

Harbormaster update on filling Boat slips

At this point we have managed to rent nearly all slips that became open after security deposits were due December 1st. These were offered to the waiting lists as follows:.

- Six - 40' berths were filled after 37 offers
- Four - 30' berths were filled after 12 offers
- One - 20' berth was filled after 10

offers

No commercial berths were vacated this year. Three of the small compromised berths remain to be filled at Allen Harbor. These are across from the mud bank near Lower County bridge. The balance for seasonal dockage are due on all berths in Town by March 1st.

Tom Leach

Dredging update

We just received the permit to dredge two annoying issues in Saquatucket Harbor. These are the northwest corner which is very shallow, by Brax Landing, where the carding machine brook enters the harbor. The second location is near the south end of the old fuel dock where the Fire Boat docks where the Old Andrews River enters the harbor. These are river deltas. Sand bars per say. The material is permitted to go to Red River Beach as disposal. The unfortunate part is that the work is not allowed between January 15 and September 1st due to environmental restrictions from winter flounder, alewives and piping plovers. Now we need a Water Quality Certificate. The good news is we have an active permit.

From CPC Chair Jack Brown

I will ask the CPC to vote at our regular February meeting to withdraw this article.
(Article 50- land acquisition)

Noise by-law

Chief Mason has provided our office with a revised draft, including the previously omitted language.

Solar project

Attached is an update in which all the Cape projects are delayed because of **NSTAR's**

interconnect approval process. CVEC will grant ACE a 90 day extension to obtain qualification from DOER. CVEC is meeting on January 26th to address the NSTAR interconnect delays.

Allen Harbor testing update

Here is a quick update on where we stand with the Allen Harbor project.~ We have completed all of the biological tests and exposures including the 28-d bioaccumulation tests.~ Everything has gone very well.~ Today we delivered the homogenized tissues for both bioaccumulation species to Alpha Analytical for the chemistry analyses.
John Williams, Manager, Environmental Toxicology
Aquatec Biological Sciences, Inc

Barnstable County Dispatch

Chief Clarke and I met with Sheriff Cummings, Jeff Perry and Peter Thomas to discuss regional dispatch. I offered Sheriff Cummings a copy of the Essex County Intermunicipal Agreement as a model for governance. Our proposal is to lease space for County Dispatch for the lower Cape.

Surviving Spouses Health Insurance

In 1998, Town Meeting approved Ch.32B, Sec. 9D1/2 which authorized the Town to pay more than 50% of premiums, but the ballot question was defeated. The Town has been paying for 75% of premiums of surviving spouses. We have approximately 30 surviving spouses on the Town side and an unknown number of school surviving spouses. We believe that with the ambiguity whether the Town should be paying 75% of the premiums, that we should put forth a new ballot question this May. I have

attached a copy of both 9D (authorizes town to contribute 50% of premiums and 9D1/2 which authorizes town to pay greater than 50% for your review. The ballot question is imbedded in the statute. Labor Counsel Leo Peloquin suggests that we provide an explanation beneath the question in order to clarify the ambiguity of the prior vote whether the Town can pay more than 50% of surviving spouses premiums.

SELECTMEN'S REPORT

Ms. Cebula stated that recently we had gotten a letter from the Town of Erving who had wanted us to support changes to the electoral college vote system. She stated that she talked to these people and talked to our Secretary of State's Office because she wanted to verify how electoral votes happened in both the primary and final elections and the first response she got was first you have to vote and then they make the allocations. She explained that what Erving wants to do is to allocate each electoral college vote based on the district that the representative is in with the idea that the smaller towns would have more say and she is not sure how it does that as cities like Boston and Worcester are going to outvote us no matter what. She stated that it didn't seem like it was worth pursuing.

ADJOURNMENT

Ms. Cebula moved to adjourn at 10:30 p.m.
Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

Respectfully Submitted,

Ann Steidel
Recording Secretary