

# **Board of Selectmen Minutes**

## **02/13/2012**

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, FEBRUARY 13, 2012  
7:00 P.M.**

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

**OTHERS PRESENT:** Town Administrator James Merriam, David Ryan, Foster Banford, Bob Doane, and others.

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

### **CONSENT AGENDA**

- Approve Minutes
  1. January 9, 2012 Regular Meeting
  2. January 17, 2012 Regular Meeting
- B. Vote to sign MOA/Contract with Highways & Maintenance Employees Association
- C. Vote to approve application for Harwich Road Race for June 23, 2012 contingent on Mass Highway approval

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

### **PUBLIC HEARINGS/PRESENTATIONS (7:15 P.M.)**

- A. Presentation by Harwich Junior Theater of plans for renovation of former Recreation & Youth building – *vote to approve plans*

Bob Doane outlined the plans for renovations by the Harwich Junior Theater at the former Recreation and Youth Building (see attached).

Mr. Hughes moved to approve the Harwich Junior Theater's proposal for a handicapped accessible bathroom at the Harwich Junior Theater Arts Center formerly known as the

Recreation and Youth Building as presented. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

## **OLD BUSINESS**

- Policy for Disposition of Surplus Goods and Equipment – *second reading*  
Mr. Merriam reviewed the changes to the document. Mr. Banford said he often has equipment to dispose of which has very minimal value and it would be time consuming to try to find someone who might want to buy it when the return might be \$10. He suggested putting a threshold amount in the document. Mr. Merriam recommended adding “less than \$100” under item #1 and the Board agreed. Chairman Ballantine said he would bring the policy back for a third reading.

## **NEW BUSINESS**

A. Town Administrator’s Goals/Objectives – *update from Town Administrator*

Mr. Merriam updated the Board on progress toward his goals (see attached).

With regard to #3, Mr. Hughes stated that Mr. Merriam should at least get a list from the department heads of what their maintenance requirements are and Ms. Cebula agreed noting that we don’t need a consultant to do that. Mr. McManus also agreed noting that it is fairly straightforward and staff can do a very good job putting together an assessment.

With regard to #6, Chairman Ballantine said we should be able to move ahead with some documented best practices and asked when the Board can expect that. Mr. Merriam responded that he will see how we can expedite that.

With regard to #7, Mr. LaMantia suggested assessing the interest of other towns for centralized purchasing and Mr. Merriam said he can certainly pose the question. Ms. Cebula stressed that we need a little more robust thinking on some of these things.

With regard to #14, Ms. Cebula requested an analysis of the cost of using Town vehicles versus paying mileage for use of personal vehicles for people not driving that far or that much.

B. Assistant Town Administrator hiring process

Mr. Merriam described the sequential step process proposed for hiring an Assistant Town Administrator and the Board asked for a revised job description. The Board

discussed the makeup of the interview committee. Mr. McManus stated that a Selectman should not be on the committee but a peer should and he questioned, given our financial distress, if it makes sense to proceed with this. He stated that there is a good chance we may have to layoff one or more or several people. Ms. Cebula said she would be reluctant not to fill this position as there is so much work to be done. Mr. LaMantia said we aren't going to fill this for a couple months and by then we will have a better handle on where we stand financially. Mr. Hughes recommended following the process and seeing what we get. Ms. Cebula recommended replacing the department head on the committee with a member of the community. Mr. McManus said a peer from some other organization is important. Chairman Ballantine stated that we have some expertise in Town we can tap. The Board agreed that they would like to conduct semi finalist interviews. Mr. Merriam said he would find a committee that works.

C. Warrant Article Review:

- #10 Long Pond Comfort Station – *vote to remove*

Mr. Hughes moved to remove Article 10, Long Pond Comfort Station from the warrant. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

2. #12 Replace Round Cove Ramp – *vote to remove*

Mr. Hughes moved that Article 12, Replace Round Cove Ramp, be removed from the warrant. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

3. #15 Replace Comfort Station at Wychmere Harbor – *vote to remove*

Mr. Hughes moved that Article 15, Replace Comfort Station at Wychmere Harbor be removed from the warrant. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

4. #17 Fund Brooks Park Baseball Field Fencing and Backstop – *discussion/vote*

5. #18 Fund Potters Field Fencing and Backstop – *discussion/vote*

Chairman Ballantine tabled Articles 17 and 18 for a week per the request of John Mahan.

6. #19 Emergency Management Generators – *discussion/vote*

Mr. Culver outlined the article. Mr. Hughes moved to approve Article 19, Emergency Management Generators. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

7. #23 Change Purpose of Capital Replacement Stabilization Fund - *discuss/vote*

Mr. McManus moved to continue Article 23 on the warrant. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

8. #24 Funding Town Capital Stabilization Fund – *discussion/vote*

Mr. McManus moved a positive motion on this article. Mr. LaMantia seconded the motion. After discussion Mr. McManus amended his motion for an amount of \$100,000. The motion carried by a 3-2-0 vote with Ms. Cebula and Mr. Hughes in opposition.

- #50 Fund Purchase of Land for Open Space Purposes – *vote to remove*  
Based on CPC recommendation, Mr. Hughes moved to remove Article 50 from the warrant. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

## **TOWN ADMINISTRATOR'S REPORT**

Mr. Merriam delivered the following report to the Board:

### **Re: NOTIFICATION OF FREE CASH APPROVAL - Harwich**

Based upon the unaudited balance sheet submitted, I hereby certify that the amount of available funds or "free cash" as of July 1, 2011 for the Town of Harwich is:

General Fund			Deficit		\$	-132,664
Water Enterprise		Enterprise Fund			\$	1,082,426

This certification is in accordance with the provisions of G. L. Chapter 59, §23, as amended.

Certification letters will be e-mailed to the mayor/manager, board of selectmen, prudential committee, finance director and treasurer immediately upon approval, provided an e-mail address is reported in DLS' Local Officials Directory. Please forward to other officials that you deem appropriate.

Sincerely,

Gerard D. Perry  
Director of Accounts

FY 13 Budget cuts

As per your request, please find enclosed a list of TA level 2 cuts from original Departmental requests in order to balance the budget.

Solar farm update from Maggie Downey

The Schedule Z has not been filed by ACE.~~ They are working on this and I was told any day...Once this is filed, NSTAR will have 30 days to inform CVEC as to whether they intend to allocate or cash-out.~~ The NSTAR Impact Study is also underway, that will inform us of any costs to upgrade the NSTAR infrastructure before the project can go forward.

There are two issues:~ (1)~ NSTAR has not acted timely on the Impact Study per the tariff; and (2) Schedule Z is in ACE's court,

Maggie

Mr. Merriam

~

The application is in the Impact study stage, which is not due to be completed until March 27, 2012.~ This study will reveal if the interconnection will pose any constraints on the electrical distribution system and any upgrades to our system that may be required.~

When these items are determined including any costs, you will receive an interconnection service agreement with the upgrades and costs.~ Your approval to interconnect does not come until the very last step, which is the witness test.

~

We can't even talk about the witness test until we get through the impact study and possible subsequent upgrades.

~

We also cannot speak about allocating or cash payout until we receive the schedule Z form.

~

Joseph V. Feraci, Jr.  
Interconnection Program Manager  
NSTAR Electric

Capenet update from Tony DaSilva

See attached response to questions posed through John Wheeler.

MRSD salaries

Finance Director David Ryan has provided a spreadsheet indicating that FY 13 salaries are increased by \$331,771, representing 1.7% increase over Fy 12.

Group Insurance Commission GIC rates

As per your request, please find attached a cost comparison between the CCMHG approved FY 13 rates and the FY 12 GIC rates as increased by the 5 year average. The 30 day negotiation period with the PEC will be February 8<sup>th</sup> through March 8<sup>th</sup>.

Next proposed Monomoy School Budget meeting

I agree that the 22nd is not a great meeting date.~ I know that Brian Widegren will be away and would like to participate, and there is no new information that I anticipate before them.~ I think March 12 would give us more to work with.

Carolyn

Town Counsel changes to the warrant:

Article 13 – after “dredge various harbors...*as outlined in the Capital Plan...*”

Article 15 – change comfort station to *restroom*

Article 16 – Lothrop *Water* Tank

Article 19 – delete “...*and authorize the Emergency Management Director to...*”  
add “*Said funds to be expended by the Director of Emergency Mgmt.*”

Article 27 – show Chief’s changes in **bold**

Regional Challenge Grants

See attached “One hundred Mass Communities Apply for Innovation Challenge Grants”

Regional School Bonus Aid not funded

To:~~~~~ New Regional School Districts

From:~~~ Stephen Hemman, Executive Director

~~~~~ Massachusetts Association of Regional Schools (MARS)

~~~~~ Phone: 978-821-2890 (cell)~~~ Office: 978-874-0385

Re:~~~~~ Bonus Aid

The Governor's FY2013 Budget does not include bonus aid. In the budget document, it indicates that the aid was for one year.~ Chapter 71 Section 16D~ Part g states the following:

(g) Notwithstanding the foregoing provisions, regional bonus aid, but no other aid pursuant to this section, shall be paid to any regional school district formed after fiscal year nineteen hundred and ninety-three for the immediate five fiscal years following the establishment of said regional school district. Regional bonus aid shall be payable in an amount equal to fifty dollars per foundation enrollment, in the first fiscal year following the establishment of said regional school district; forty dollars per foundation enrollment in the second fiscal year following the establishment of said regional school district; thirty dollars per foundation enrollment in the third fiscal year following the establishment of said regional school district; twenty dollars per foundation enrollment in the fourth fiscal year following the establishment of said regional school district; and, ten dollars per foundation enrollment in the fifth fiscal year following the establishment of said regional school district.

I would suggest that you contact your senator and state rep to discuss this and ask for assistance in putting back the funding for the second year. The estimated amount for the new regions is \$275,000.

Please email copies of your emails to your senator and rep. We need to emphasize that if the state wants to see regionalization, they need to have incentives

#### Long Pond Restrooms deferred until FY 14.

Jim,~~ I spoke with John Mahan and we both agreed that it would be a good idea to take the Long Pond restrooms off the ATM warrant for May and defer it to next year.~ Just wanted to let you know.~ Eric

#### Allen Harbor update still positive

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

Assuming we receive the tissue chemistry results within a couple of weeks, I think that will bring us to near the end of February to wrap things up. ~Will that meet your needs? ~

I'm not sure how much time ACOE will need to review everything and approve/issue a permit.

John

### CV Mechanic job posting

Jim, From my perspective, it does not make sense to merge these~operations for one basic reason:~ CV has specialized grounds equipment that shouldn't be driven over the road, which presents a logistics problem that would~waste too much~time traveling.~ Furthermore, CV's new building has dedicated lifts to work on~small equipment~and other specific tools that the DPW doesn't have room for.~ Please recall that COC has~had a new DPW maintenance building on their plan for the last several years that has been postponed for fiscal reasons.~~Finally,~I'm sure that Dennis and Shawn utilized their people in the same manner I do:~ That is~we move people~around to the work - vehicle maintenance~employees plow snow and work with other~DPW~(highway,~disposal, parks, cemetery, etc.) departments as needed.~ Link~~

Jim

I believe most of the points that Link brought up are right on.

- Different equipment specialized golf equipment is much different from Highways
- The Golf mechanic mows three days a week
- The mechanic back fills other positions when needed
- Daily calibration of mowers
- Ability to get equipment back in service ASAP
- Course equipment is up and running at 5am and delays can't happen.

Dennis

### **Barnstable County fuel bids received 2/8/12**

~~~~

| <b>Fixed Price Diesel</b> | ~                           | ~                           | ~          |
|---------------------------|-----------------------------|-----------------------------|------------|
|                           | <b>Peterson Oil</b>         | <b>Noonan</b>               | <b>mjt</b> |
|                           | Section 3: Town of Brewster | 3.39920                     | 3.3500     |
|                           | 3.459                       | Section 5: Town of Eastham  | 3.44920    |
| 3.3500                    | 3.459                       | Section 6: Town of Harwich  | 3.39920    |
| 3.3400                    | 3.459                       | Section 14: Upper Cape Tech | 3.39920    |
| 3.3500                    | 3.459                       | ~                           | ~          |
| ~                         | ~                           | Section 16:                 | 3.39920    |



|        |        |                                                 |          |
|--------|--------|-------------------------------------------------|----------|
|        |        | Town of Bourne,<br>Location a only              |          |
| 3.3400 | 3.459  | Section 17:<br>Town of Sandwich                 | 3.39920  |
| 3.3600 | 3.459  | Section 18:<br>Town of Falmouth                 | 3.39920  |
| 3.3300 | NO BID | Wellfleet                                       | 3.49920  |
| 3.6500 | 3.459  | Section 25:<br>Town of Dennis                   | 3.39920  |
| 3.3600 | 3.459  | Section 2:<br>Barnstable School Department      | 3.39920  |
| 3.3500 | NO BID | Section 1A:<br>Barnstable Dept. of Public Works | 3.39920  |
| 3.3500 | NO BID | Section 1D:<br>Barnstable Golf Courses          | 3.44920  |
| 3.4900 | NO BID | Section 1E:<br>Barnstable Municipal Airport     | 3.39920  |
| 3.3500 | NO BID | <b>Gasoline Fixed</b>                           | Peterson |
| Noonan | MJT    | Brewster                                        | 3.04150  |
| 3.0100 | 3.145  | Eastham                                         | 3.04150  |
| 3.0100 | 3.145  | Harwich                                         | 3.04150  |
| 3.0100 | 3.145  | Upper Cape tech                                 | 3.04150  |
| 2.9800 | 3.145  | Bourne (a)                                      | 3.04150  |
| 3.0000 | 3.145  | Sandwich                                        | 3.04150  |
| 2.9800 | 3.145  | Falmouth                                        | 3.04510  |
| 2.9800 | NO BID | Dennis                                          | 3.04150  |
| 3.0000 | 3.145  | Barnstable Schools                              | 3.04150  |

|        |        |                   |         |
|--------|--------|-------------------|---------|
| 3.0500 | NO BID | BarnstableDp<br>w | 3.04150 |
| 2.9900 | NOB ID | Barnstable<br>PD  | 3.04150 |
| 2.9800 | NOBID  | B Golf<br>Course  | 3.04150 |
| 3.1300 | NO BID | B Airport         | 3.04150 |
| 3.0200 | NOBID  |                   |         |

Hot Dog RFP for Beaches (question re: BOS requirement for mobile cart)

I have discussed the proposed hot dog truck with the State Director of the Division of Standards.~ A Hawkers and Peddlers License is required for a hot dog truck to stay at the beach all day. The Board of Selectmen's Hawkers and Peddlers License Regulations require that the vendor obtain a Hawkers and Peddlers license from the Town.

It also states that they would have to move on after 20 minutes.~ I have attached the policy for your review.

*Ann Steidel*

Muddy Creek Update

Good Afternoon - the final technical report from Fuss & O'Neill is attached. ~Please forward your comments to me by next Thursday, February 16th, and I will forward them to Martha. ~Also, please note that the public meeting is scheduled for March 8th at 7 pm, and a final location will soon be announced.

A separate email will be sent to you with attachments. ~A third email forthcoming is a link to an FTP site where you can access the entire report and attachments in a pdf format.

~

Thanks,  
Carole Ridley

**February 9, 2012**

- BOS Paperless Packets
- Created PDF packet beginning with 2/6/2012 meeting for testing
- Setup and tested a free cloud distribution channel on dropbox.com
- Next steps will be to acquire and load PDF software for TA office and train staff on creating, setup, and distribution of electronic packets.
- Equipment requirements of selectmen are being determined.~ There will be a period of using both paper and electronic version for selectmen until it is determined that a cutover can be made.
- Confidential material will not be included at this time.

- A briefing will be on the Selectmen's agenda for the 2/21/2012 meeting.
- Permitting Software
- Planed GeoTMS update is on hold while the Grant for Regional Software is being evaluated.~ Grant submissions ended 1/17/2012.~ Results will be announced by the end of February.~ 100 Applications were received totaling over \$20M for \$4M available.

Foster Banford  
Town of Harwich, IT Director

#### FY 12 TA goals

Please find updated spreadsheet on status of this year's goals.

### **ADJOURNMENT**

Mr. Hughes moved to adjourn at 9:34 p.m. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

Respectfully Submitted,

Ann Steidel  
Recording Secretary