

Board of Selectmen Minutes

03/05/2012

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, MARCH 5, 2012
7:00 P.M.**

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

OTHERS PRESENT: Town Administrator James Merriam, Chief Clarke, David Spitz, and others.

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

Chairman Ballantine reported that the Board had just come out of Executive Session where they discussed a litigation matter and contract negotiations and they voted to accept the agreement between the Town and the Public Employee Committee regarding Municipal Health insurance as agreed to in the planned design changes for the Blue Cross and Harvard Pilgrim Plans.

WEEKLY BRIEFING

- Planning Department Briefing - Local Comprehensive Plan/Harwich Center Initiative

Mr. Spitz reported that we have made significant progress on a number of items. He outlined the attached report and took questions from the Board.

CONSENT AGENDA

- Approve Minutes
 1. February 13, 2012 Regular Session
 2. February 21, 2012 – Executive Session
 - B. Award contract for Police Department Body Armor to Regency Police Supplies in Hyannis, MA in the amount of \$25,652
 - C. Committee Appointments:
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1. Joseph Johnson.....	<u>Council on Aging</u> - Term expires 2014
2. Barbara Dowd.....	<u>Historical/Historic District Commission</u> Term expires 2015
3. Tom Gould.....	<u>Waterways Committee</u> - Term expires 2015
4. Val Peter.....	<u>Wastewater Implementation Advisory Committee</u> Indefinite term - rep for the Citizen's Advisory Committee for the CWMP
5. Bob Kingsbury.....	<u>Golf Committee</u> - term expires 2015
6. Noreen Donahue...	<u>Wastewater Implementation Advisory Committee</u> Indefinite terms - Rep for the Finance Committee

Ms. Cebula moved approval of the Consent Agenda. Mr. Hughes seconded the motion but noted that he was not present for the meeting of February 21, 2012 (Item A2). The motion carried by a unanimous vote.

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

- AmeriCorps – Program Services

Matt Cannon, Michael Souza, Emma Snellings of AmeriCorps provided an update on what they are doing and what they have done in Harwich as well as described AmeriCorps work in natural resource management, disaster preparedness and response and community education.

- East Harwich Update – David Spitz, Town Planner

Mr. Spitz read the following memo he wrote to the Board dated February 29, 2012:

Subsequent to the East Harwich public meeting on January 31, the Planning Board has determined how it wants to proceed with review of proposed East Harwich by-law revisions.

First, the Planning Board is not ready to accept the draft East Harwich Village Handbook at this time. The Board questions the foundation of some of the assertions made by the East Harwich Collaborative, particularly in relation to the extent of environmental threats. The Board also questions the need to connect revisions to current Commercial District zoning and downzoning of the area around the Commercial and/or Village District.

To shed further light on these questions, the Planning Board last night voted to invite the following groups (one at a time) to upcoming Planning Board meetings:

- Water Quality Task Force

- Water Commissioners/Water Department
- Board of Health/Health Director
- Board of Assessors, Town Assessor, Finance Committee or any other Harwich entity responsible for determining property value and impact on taxes
- Chamber of Commerce

Following these discussions, the Planning Board will recommend revisions to the East Harwich Village Handbook or will direct the Town Planner to prepare an alternate package of by-law revisions.

Mr. Hughes stated that when the Planning Board formulates their plan it might be worthwhile to have both the Planning Board and East Harwich Village group give the Board of Selectmen their different views on the plan. Mr. McManus agreed that having a presentation would be a good idea. Chairman Ballantine said he would leave the timing of the presentation up to Mr. Spitz.

NEW BUSINESS

A. Motion to file Statement of Claim for 1055 Oak Street – *vote to authorize Chairman to sign*

Mr. McManus moved to approve the Statement of Claim for 1055 Oak Street and authorize the Chairman to sign the required documents. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

B. Municipal Health - Appointment of a Management representative to Review Panel – *vote to appoint*

Mr. Merriam stated that he would be willing to serve as the representative. Mr. McManus moved to appoint James Merriam as our representative to the review panel. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

C. County Sheriff Dispatch Proposal – *discussion*

The Board discussed the attached dispatch proposal for the Barnstable County Sheriff's Office to provide fire dispatch. Chief Clarke took questions from the Board. No action was taken.

- Departmental Budget Cuts
- Mr. Merriam explained the rationale behind the budget cuts noting his focus was on

maintaining services. He further noted that the budgets where the department head asked for increases were not sustained as well as those that did not and he added he has worked with the Chiefs on prioritizing. Mr. Hughes asked for a graphic to help the Board visualize and he asked for a joint meeting with Finance Committee and Monomoy Regional School Committee for the school to present their budget. Mr. McManus said there should be an article in the Special Town Meeting warrant requesting an override and as well as one anticipating a stabilization fund transfer. Chairman Ballantine asked Mr. Merriam to provide the Board with draft language for the articles to look at next Monday.

TOWN ADMINISTRATOR'S REPORT

Mr. Merriam delivered the following report to the Board:

Muddy Creek meeting

Please provide members of the Board of Selectmen with a copy of this media advisory.~ The advisory announces a public meeting on Thursday, March 8th, 7 pm, at the Chatham Community Center. ~The meeting will include a presentation of a study of ecological impacts and conceptual bridge design for a widened entrance to Muddy Creek. Please let me know if you have any questions.

Carole

Water Commission

Selectman La Mantia, Barry Worth, Liz Argo from CVEC and I attended a Water Commission meeting on February 28th to discuss Phase 2 solar panels on Water Dept. property, including a STM article to address Article 97 land. The Commission is comparing a CVEC proposal to using \$10m of SRF financing, which is included in a proposed second treatment plant to be constructed in North Harwich.

A policy question raised by the Water Commission is what share of revenue from Phase 2 solar farm would be dedicated to the Water Enterprise Fund.

OPEB Training for Selectmen

The Association of Town Finance Committees (ATFC), one of the affiliate groups of the MMA, is holding trainings on OPEB this spring and all selectmen are invited to attend.~ The schedule is attached in pdf format.~ Please note that the information has not been posted on the MMA website yet, but will be available there next week. There is no cost to attend, but you do need to pre-register for which ever event you choose.~ Please contact me if you have any questions.~

Denise

Lauren Goldberg opinion relative to composition of Screening Committee for ATA

The AG indicates as follows:

May a preliminary screening committee, which meets in executive session under purpose 8 to consider candidates for employment or appointment, consist of more than a quorum of the members of the parent body?

No, a preliminary screening committee must consist of fewer than a quorum of the members of the parent body. It may contain additional members who are not members of the parent body. For example, a school committee with seven members may create a subcommittee to conduct a preliminary screening of candidates for superintendent of schools in executive session, and the preliminary screening committee may contain up to three members of the school committee, in addition to several teachers and members of the community.

The below situation is somewhat different because the Board of Selectmen simply confirms the appointment made by the Town Administrator. ~Thus in this case, the Board of Selectmen may not be the “parent body” for purposes of the Open Meeting Law.~ Nevertheless, in my opinion, it is likely that the Attorney General would still find that including the full Board, or a quorum thereof, on the screening committee is problematic.~ This would then restrict the ability of the Screening Committee to hold an executive session to interview candidates in the preliminary stages of the search process. In my further opinion, however, less than a quorum could be appointed to the Screening Committee, and the Screening Committee could meet in executive session during the initial stages of the search process, without violating the law.~ Similarly, a single member of the Board could be appointed to the Screening Committee without it raising issues under the Open Meeting Law.

~

Monomoy HS project still slated for May vote

If we stay on the current track May should work.~ The architect (and school staff) is in overdrive getting the design done for our version of the Ashland Model, but they are confident that they can meet the deadlines.~ I spent yesterday morning with David Whitcomb, Ed McManus, the OPM and architect (the HS principals joined us as well) working on a floor plan for the building that will be shared with MSBA on Wednesday.
Carolyn

FinCom

Finance Committee met briefly on February 28th and approved the RFT request of \$9000 for Brooks Park fence repairs but voted 3-2 against the \$7500 request for the Community Center architect conceptual plan. As you know, the \$7500 was part of the funding to award the Conceptual design of the Wellness Center. They also voted to IP the Brooks Park fence article.

Solar Farm update from co-applicant Weston and Sampson rep Stephen Wiehe

I know a lot depends on the interconnection application/study being done by NSTAR, which I know is in process; however, I am not in a position to know when the system might be on line.

It is best to check in with CVEC and/or ACE.

Stephen P. Wiehe, P.G.

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Brooks Library parking lot re-configuration

Ginny,

Attached are the three proposed changes and the existing configuration.~ Plan C moves the back parking row in the upper lot 5' back to provide more space for turning movements.~ This, along with the enhanced lighting, may be all that is required for your safety concerns.~ Plan A sacrifices 3 parking spaces, and Plan B results in a possible unsafe entry into the upper lot due to the limited stopping sight distance on Bank Street.~ Let us know what you and your Commission feel about the three plans.

Linc, the location of the upper lights may have to be moved back a bit if Plan C is chosen.
Bob

Hi Bob -

Haven't shown Plan C to the Trustees yet, but my initial reaction is that this would be the way to go!~ I didn't realize we have enough land to move the southern edge of the upper lot back 5 feet. Will need an exemption from zoning regulations to be that close to the property line? Also wondering about objections from the neighbors, so I assume we'd need to move current screening bushes or plant new ones. Anyway, I'd like to talk to you about it more so can you give me a call when you get a chance? 508-430-7563.

Ginny

Harwich Middle school Human rights club

Dear Ms. Foley,

I just wanted to thank you for the help you gave in arranging our meeting the senior citizens at the community center -- it was a great success! Students engaged with senior citizens from Harwich and discussed a number of issues facing the elderly on Cape Cod.~ For about an hour students conferenced with senior citizens on issues ranging from the problems the elderly have, what the youth can do to help them, and how Cape Cod has changed over the past few decades.~ Following this, students broke down into smaller groups and spent some leisurely time with the elderly.~ From knitting to ping-pong, students used the time to get to know the senior citizens on a more personal level.~ As a group, it was decided that sometime within a month the club would like to host a dinner with the senior citizens we met. It can't be overstated how impressive students were at the workshop.~ The perspective they received from the activity will likely be with them for a long time. The hope is that we can present at the Human Rights Academy, in which the

topic this year will be ageism on Cape Cod.~ I will keep you updated about our future plans.~ Thanks, Brian

Portable Thermal Imaging unit from Tom Leach

We received news from Gregg Fraser, Falmouth Harbormaster and CCHA president that Harwich Harbormasters Office will receive a portable FLIR unit (thermal imaging) from the 2011 Port Security Grant program and Tom Leach will pick the unit up at the coming meeting of this association in March. This will be a great addition for looking for missing kayakers; herring run enforcement, night security, and low visibility, etc. when the situation arises. The HFD has had portable night vision unit for several years now which they share with HPD.~ The harbormaster has been fortunate in receiving radio direction finders and waterproof portable 800 radios over the past years from the PSGP. I am not sure how many of these FLIR units were intended as part of this grant application but enough to cover all harbormasters that requested to participate. ~Some were more expensive fixed mounts for the vessel, however, I thought a portable unit would be more versatile for Harwich.

Coast Guard is granting our request made for two surplus channel markers

We just received confirmation from USCG Chief Mark Ferreira CW04 from Weymouth, that the Coast Guard is granting our request made for two surplus channel markers. These will be used for display at the harbor entrance driveway at Saquatucket Marina. Tom Leach is to go up Wednesday morning to pick out the two buoys.

SELECTMEN'S REPORT

A. Selectman McManus – Crowell Barn

Mr. McManus noted that he has not had a chance to speak with Mr. Bradley and therefore is not ready to speak on this subject.

- Selectman McManus – West Harwich School

After discussion, the Board agreed to proceed with the RFP on the West Harwich School with the building in its current as is condition.

ADJOURNMENT

Mr. McManus moved to adjourn at 9:22 p.m. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary