

Board of Selectmen Minutes

04/02/2012

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, APRIL 2, 2012
7:00 P.M.**

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

OTHERS PRESENT: Town Administrator James Merriam, Chief Norm Clarke, Carolyn Carey, Chief Mason, Craig Wiegand, Leo Cakounes, Paul Niedzwicki, Kristy Senatori, Anita Doucette, Foster Banford, and others.

MEETING CALLED TO ORDER at 7:20 p.m. by Chairman Ballantine.

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

CONSENT AGENDA

- A. Approve Minutes – March 19, 2012 Executive Session
- B. Vote to accept gift (bequeathment from Doris B. Strangford Estate and Trust) in the amount of \$75,000 to be deposited in the Council on Aging Gift Account
- C. Vote to approve recommendation to award contract for Concept Design for the Community Center project to Strekalovsky Architects in the amount of \$42,500
- D. Vote to approve recommendation of Board of Assessor's to award the contract for the Revaluation Update to Paul S. Kapinos & Associates subject to funding
- E. Vote to send letter to the EPA in support of electronic delivery of annual Consumer Confidence Reports
- F. Vote to hold a public hearing on April 30, 2012 for the purpose of reviewing proposed disposal fee amendments for the Highway Department
- G. Vote to authorize Town Administrator James Merriam as Authorized Signatory to sign contracts and other legal documents relative to contracts with the Commonwealth of Mass
- H. Vote to approve 2012 Taxi/Limo License Renewals

Ms. Cebula moved approval of the Consent Agenda. Mr. McManus seconded the

motion and the motion carried by a unanimous vote.

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

A. Update on Cape Cod Commission – Paul Niedzwicki

Mr. Niedzwicki, Executive Director of the Cape Cod Commission, provided a brief update which included Open Cape, wastewater issues, regionalization and he discussed the report from the Special Commission on County Governance. Ms. Kristy Senatori, Chief Regulatory Officer, updated the Board on e-permitting. Mr. Niedzwicki took questions and comments from the Board.

- Recommendations of the Special Commission on County Governance – Leo Cakounes

Mr. Cakounes outlined the report entitled “Recommendations of the Special Commission on County Governance” (see attached) and took questions and comments from the Board.

OLD BUSINESS

A. Budget Amendment #1 – *discuss and vote*

Mr. Hughes moved to adopt the recommendation for Budget Amendment #1 (see attached) proposed by the Town Administrator. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

NEW BUSINESS

A. Annual Election Ballot – *final review*

Mr. Merriam outlined the ballot with changes made by Town Counsel. Ms. Cebula pointed out that question 5 should be in the amount of \$65,000 not \$165,000.

At Mr. Hughes and Ms. Cebula’s recommendation, Mr. McManus moved that for this year we do not place a ballot measure on the town municipal ballot to establish a capital maintenance override fund. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

B. Electronic Posting – *discussion/approval*

Chairman Ballantine reported that the Disability Rights Committee would like a couple more weeks to consider this and he asked to bring this item back. Mr. Merriam stated that the Town Clerk is asking if the Board will take a position to seek the alternative posting method of the electronic version and she in turn will notify the Attorney General's office. He stated that the software is currently free and we would have to educate the departments. Mr. McManus stressed that the postings should be on the bulletin board, as without it people would need to repeatedly check the website for last minute postings. He pointed out that the purpose of the Open Meeting Law is to be as transparent as possible and the regulations call for meetings to be conspicuously posted when Town Hall is closed and does not allow electronic posting as a substitute for that, except for when there is not a conspicuous place to post during off hours. Mr. Hughes, Ms. Cebula and Chairman Ballantine agreed that we should move ahead with this at least experimentally. Ms. Cebula moved to request our Town Administrator write a letter to our Town Clerk on the movement to the alternative posting, that we continue with the Thursday noon deadline for agenda postings and that we maintain our visual bulletin board at the back of Town Hall. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

- Regional Dispatch – *discussion/possible vote*

Chief Clarke outlined his report to the Town Administrator dated March 29, 2012 on regional dispatch (see attached) and recommended that the Board formally enter into an agreement with Sheriff Cummings to provide dispatch service to the Harwich Fire Department. Fire Department employee, Diane Nicholson, expressed her concerns about going to regional dispatch particularly with regard to layoffs.

TOWN ADMINISTRATOR'S REPORT

Mr. Merriam delivered the following report to the Board:

NSTAR IMPACT REPORT

As of today the impact study has not been completed yet.~ I have followed up with them and will get back to you once I hear back from them.

Joseph V. Feraci, Jr.

Interconnection Program Manager

NSTAR Electric

Chapter 90 allocation

Hi Jim, we just got the Chap 90 numbers for FY 13. Harwich's share is \$691,457.

I wanted to pass this along ASAP.

Sarah - Rep. Sarah Peake

Beach hours

Commission voted last night to make recommendation to BOS that all beach parking lots be closed from 10:00 P.M. to 6 A.M. The memo will be dropped at town hall Thursday.

John Mahan
Chairman

Seminar notes from Tom Leach

I attended this meeting sponsored by the MHA.~

Ed O'Donnell from USACE told us that Army Corps policy requires "open to all on equal terms"~ any where within the confines of the Army Corps project and specifically cited Saquatucket Harbor as an example where the marina was within the corps project.

Another speaker was from DEP, Mr. Ben Lynch told us even though it is clear in Chapter 91 sect 10A that "no mooring fee shall discriminate on the basis of residence" the DEP interprets another regulation (310CMR) as allowing that towns may discriminate issuing mooring permits on the basis of state residency. It reads "A city or town implementing 310 CMR 9.07 shall not discriminate against any citizen of the Commonwealth on the basis of residency, race, religion, sex, age, disability, or other illegal distinction." His point, In other words is a person who is or is not a taxpayer in Harwich but a~ resident of another state could be refused a mooring. Why the DEP was telling us this I have no idea but Nantucket and some towns on Martha's Vineyard have used this to control who gets moorings. I seriously doubt that Harwich would take this approach but it would have a serious impact on locals getting~ moorings in the harbor and the length of waiting to get a mooring.

Tom

PS. A keynote speaker was Attorney Michael Callahan from the Inspector General's Office who gave a "sermon" reminding harbormasters that the waters of the Commonwealth are public and not the domain of boat yards and yacht clubs. He repeatedly used the examples of Wychmere Harbor (HPBW), Ryder's Cove (RCBY) and Newbury, Ma of boat yards which took advantage of customers on mooring fields in Massachusetts.~ Further, Inspector General Callahan cautioned all of us that boatyards and yacht clubs in Massachusetts that rent moorings must post a waiting list in a public place, preferably the harbormasters office.~ He has cited violations found by their undercover agents that showed boat yard selling boats with the promise of an immediate mooring being offered over others who were on the waiting list.

Plumbing / Gas Inspector

Building Commissioner Geoff Larsen has announced that Manley Boyce, who has served as Plumbing and Gas Inspector since 1983 has retired. We all appreciate Manley's three decades of dedicated service and wish him well in his retirement.

2011 Annual Town Report

The 2011 Annual Reports have been printed and delivered to Town Hall and the Community Center.

ADVISORY:

CCC PRESS CONFERENCE ABOUT WASTEWATER MANAGEMENT

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The Cape Cod Commission (CCC) will hold a press conference on Tuesday, April 3, 2012, beginning at 11:00 a.m. in the CCC conference room (3225 Main Street/Route 6A, Barnstable).

CCC Executive Director Paul Niedzwiecki will discuss the regional wastewater management planning effort. During the press conference, he will showcase an interactive application being developed by CCC staff. When completed, the application will allow Cape communities to input a range of variables that will help to identify appropriate wastewater management solutions. ~

Backgrounders will be available in a press kit to be distributed at the press conference. All members of the media and photographers are encouraged to attend.

ADJOURNMENT

Ms. Cebula moved to adjourn at 10:12 p.m. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary