

# **Board of Selectmen Minutes**

## **04/08/2013**

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, APRIL 8, 2013  
7:00 P.M.**

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

**OTHERS PRESENT:** Town Administrator James Merriam, Larry Cole, and others.

**MEETING CALLED TO ORDER** at 7:00 p.m. by Chairwoman Linda Cebula.

### **PUBLIC COMMENT/ANNOUNCEMENTS**

Mr. Cole stated that Mr. Merriam received some correspondence from CVEC which contained misinformation, specifically that ACE's Interconnection Service Agreement with Nstar is on the verge of collapsing, which he stated is incorrect. He noted that there is no provision for expiration.

Chairwoman Cebula reported that we have settled a contract with the New England Police Benevolent Association for the dispatching unit, Police only, which will end on June 30, 2013.

### **CONSENT AGENDA**

- Approve Minutes –
- March 18, 2013 Regular Meeting
- April 1, 2013 Executive Session
- Vote to approve application by Harwich Fire Association for annual Road Race to be held September 21, 2013
- Vote to approve application by Friends of the Harwich COA for "Remembery Walk" to be held May 11, 2013
- Vote to approve various gifts to the Friends of Harwich Beaches Gift Account
- Vote to approve 2013 seasonal general license renewals
- Vote to approve appointments to the Middle School Re-purpose Committee
- Vote to declare two Transfer Station parcels (lots 2 & 3) as surplus and authorize

bids for sale at minimum price equal to the assessed values

- Vote to rescind project funding requests as requested by Housing Committee
- Mr. Ballantine moved approval of the Consent Agenda. Mr. LaMantia seconded the motion.

Chairwoman Cebula noted that Perks is requesting Weekday Entertainment until 11:00 p.m. and licenses in Harwich Port are ending at 10:00 p.m. She commented that they should be consistent and there are residences around there and Mr. LaMantia agreed. Mr. LaMantia withdrew his seconding of the motion and Mr. Ballantine amended his motion to exclude Item E. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to approve the 2013 seasonal general license renewals with the further caveat that Perks' license is extended to 10:00 p.m. rather than 11:00 p.m. to be consistent with the other licenses in Harwich Port. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote. Chairwoman Cebula requested a list of entertainment licenses and associated hours.

## **NEW BUSINESS**

- Representative to Barnstable County Human Rights Commission – *discussion/ possible vote*

Mr. LaMantia reported that one person has come forward and an interview is being scheduled.

- Annual and Special Town Meeting Warrant Articles – *discussion & possible votes*

There was no discussion or action on this item.

## **TOWN ADMINISTRATOR'S REPORT**

Mr. Merriam delivered the following report to the Board:

### Lease of Building- legal opinion

Please refer to G.L. c. 40, §3, which states, in relevant part, that the Town “may by its selectmen let or lease for not more than 30 years, on such terms as the selectmen determine, a public building or part thereof, except schoolhouses in actual use as such” (emphasis added).~ The statute expressly authorizes the Selectmen to lease public buildings and space in such buildings for terms not exceeding 30 years without Town Meeting authorization.~ Contrast this provision with the provision authorizing the sale of property: “A town may hold real estate for the public use of the inhabitants and may

convey the same by a deed of its selectmen thereto duly authorized” (emphasis added).~  
In the case of a sale, the Selectmen must be authorized by Town Meeting. As an fyi, note  
that a lease of Town land (as opposed to a building) requires Town Meeting approval,  
regardless of the length of the lease.

Shirin Everett, Esq.

Update on Solar project from ACE rep (to respond to Leo Cakounes inquiry that NSTAR  
Interconnect was about to expire)

ISA's have no expiration date.~ The agreement is in effect until canceled by both parties  
or by ~cause of default. ~I am not sure where the confusion or miss communication  
was.~ As you are aware ACE is in the process of finalizing our financing agreements and  
we will be following up with more information and a construction schedule soon.

Eric T McLean P.E.

Executive Vice President of Operations

American Capital Energy Inc.

Compliment to DPW for their role in Allen Harbor dredge project

Link,

Great job by your folks who moved all the dredge material and sand from Pleasant Street  
beach parking lot.~ I know it was a lot of work, and something that was not on your long  
range plan.~ I am thankful that we were able to get the county into Allen Harbor to dredge  
the mooring area that was left out the Burnham dredge template, and it was only made  
possible by your willingness to help with the construction of the berm, disposal of the  
material and spreading of the left over beach sand.~ Please pass on my appreciation to  
your folks who made it happen.

John C. Rendon

Cranberry Valley restaurant insurance

Ian Philbrook's insurance agent quoted an  
additional \$7000 annually to increase limits  
from \$1m/\$2m to \$1m/\$3m. Dennis Hoye  
advised me that the other municipal leases  
require the same \$1m/\$2m that we have  
required. Therefore, I recommend that we  
require the same limits that we've had and  
other communities require.

Monomoy Cash flow

Dave Ryan, Jill Goldsmith, Alix Heilala and  
I met with Carolyn Cragin and Katie Isernio  
to discuss the High School construction  
project cash flow borrowing and bonding as

well as the payment schedule for the Towns' assessments in order to meet Monomoy's operating budget.

FY 14 Fuel Bid prices –County bid (must be approved same day)

Per your request, I accepted the bid price of \$3.20 per gallon for diesel and \$2.95 for gas yesterday from Noonan Brother/Advantage Petroleum for the Town of Harwich for FY 14.~ These prices are slightly below our~FY 13 rates and do not include the \$.21 State tax.~ I will be preparing a contract for the Board to sign and get it to you next week.~~~  
~Link~~

Revised findings and recommendations on Cape Cod Regional Wastewater Planning \_\_\_\_\_ (report added to website)

Dear Focus Group Participants,  
Thank you for your comments and suggestions on our draft report to the Cape Cod Commission regarding the~Regional Wastewater Management Planning process.~We made revisions based on your input.~Attached is the revised report, which we are also submitting to the~Cape Cod Commission.~ Thank you again for your participation. ~We hope that it provides helpful information and advice to support positive engagement and planning on this important issue.

Sincerely,  
Stacie Smith and Patrick Field

MEPA/ CCC comment period for DCWMP

Please see the attached comments on the Expanded Environmental Notification Form submitted to EEA on behalf of NHESP. If questions arise, please do not hesitate to contact our office.

Sincerely,

Amy Coman-Hoenig  
Endangered Species Review Assistant  
Natural Heritage & Endangered Species  
ProgramMA Division of Fisheries &  
Wildlife

Affordable Housing Fund

Dave Ryan indicates that the Affordable Housing Fund has a current unencumbered fund balance of \$156,720 prior to STM Article 15 to pay the back taxes on Thankful Chase 2.

Ambulance Revenues

Please note that through March, we have collected 50% of our estimated Ambulance Local Receipts. This means we're short by approximately \$250k. We have not determined if the shortfall is related to Blue Cross sending payments to patients rather than town, and/ or whether an increase in co-pays and deductibles is the cause. Chief Clarke and Treasurer McIsaac are developing a bid spec to improve billing and collection.

Muddy Creek Restoration Bridge Project

Harwich, Chatham, PB Alliance and State Officials met with CD McGuire for kick off design meeting. McGuire provided a proposed schedule of work with the design complete by March, 2014. There will be monthly progress meetings.

ATM /STM Warrant

After BOS and FinCom review of articles this week, the warrant was sent to the printer on April 5<sup>th</sup>.

**ADJOURNMENT**

Chairwoman Cebula moved to adjourn the meeting at 7:37 p.m. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel  
Recording Secretary