

# Board of Selectmen Minutes

## 04/17/2012

MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
TUESDAY, APRIL 17, 2012  
7:00 P.M.

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

**OTHERS PRESENT:** Town Administrator James Merriam, Tom Leach, Craig Wiegand, David Spitz, Ted Schilling, Andrea Asimakopoulos, Allin Thompson, Don Bates, Danette Gonsalves, Sandra Cummings, and others.

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

### **PUBLIC COMMENT/ANNOUNCEMENTS**

Janice O'Neill, Bob Ward and Elaine Ostrander read the attached letters to the Board regarding the recent amendment to the beach regulations banning dog walking at the Red River Beach parking lot. Ms. Ostrander provided a petition to the Board in opposition of the amendment. Chairman Ballantine suggested that a compromise might be reached and asked that the group select representatives to meet with the Town Administrator to discuss this. He further stated that the Board would schedule another public hearing on this issue. Mr. Hughes noted that the hearing should include representatives from the Board of Health and Recreation & Youth Commission. Mr. McManus noted that someone should be there who represents enforcement.

### **CONSENT AGENDA**

- A. Committee Appointments:
  - 1. Christina Joyce – *Voter Information Committee* (indefinite term)
  - 2. Ted Nelson – *Wastewater Implementation Committee* (indefinite term)
  - 3. Robert Steiner – *Wastewater Implementation Committee* (indefinite term)
- B. Vote to approve application for Change of Manager on liquor license for the Belmont Condominium Beach Club
- C. Vote to approve Junk Dealer license renewal for Marceline Salvage
- D. Vote to approve application for Pan Mass Challenge Kids Ride for June 23,

2012

E. Vote to accept the gift of a work of art donated by local artist Michelle Carrozo to the Community Center

F. Vote to approve Waterways recommendation to allow the transfer of moorings through the transfer of stockholder shares of Nauti Jane's Boat Rents Inc. owned by David Nolan to a new owner based at the Wequasset Inn

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

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

A. Public Hearing – Application for a Seasonal Common Victualler, Wine & Malt Beverages License for Lobster Hut Restaurant, LLC d/b/a Lobster Hut located at 302 Route 28, Harwich Port

Mr. Hughes read the hearing notice into record. Attorney Theodore Schilling, representing the applicants, turned in the abutters notices and introduced the owners. Mr. Schilling explained that the restaurant is at the site of the former Seafood Sam's and he outlined the qualifications of the manager, Nikolaos Asimakopoulos.

Mr. McManus noted that the description of premises does not include outside seating so service will not be allowed outside. Mr. Schilling noted that if there is a change they would apply for it but right now outside seating is not on the plan.

Mr. McManus moved to close the hearing. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote. Mr. McManus moved to grant a Seasonal Common Victualler, Wine & Malt Beverages License to the Lobster Hut Restaurant, LLC d/b/a Lobster Hut Restaurant, 302 Route 28, Harwich Port, MA, Nikolaos Asimakopoulos, Manager. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

### **OLD BUSINESS**

A. Town Meeting Warrant Articles – *vote*

Ms. Cebula moved to accept and adopt Article 4, Town Budget, in the amount of \$29,814,234. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

Mr. McManus moved to approve Article 5, Monomoy Regional School District

assessment at \$19,679,681 funded by tax levy and a \$990,138 general override. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

Ms. Cebula moved to indefinitely postpone Special Town Meeting Article 1 (Monomoy Regional High School Building Project). Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

- Water Budget and Articles – *discussion with Commissioners*

Mr. Thompson discussed the major budget items and projected rate increases. Mr. Wiegand outlined the budget comparing it with last year's budget and he described their future capital needs.

Mr. Hughes moved to accept and adopt Article 6, Water Operating Budget, at \$3,495,247. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

## **NEW BUSINESS**

A. Owners Unknown/Tax Title Property – letter to Real Estate and Open Space Committee, Housing Committee and Conservation Commission – *discussion*

Mr. Spitz discussed the following letter to the Board of Selectmen dated April 6, 2012 noting that they are not asking for any new money besides the \$50,000 provided by Town Meeting. He summarized that the Committees just need an overall understanding by the Selectmen that this is a priority:

The undersigned commissions/committees urge your continuing efforts to acquire parcels of land that are in tax title or owners unknown which would qualify for CPA funding, i.e. affordable housing, historic preservation, conservation or recreation. As you know, voters approved Article 9 at May 2011 Special Town Meeting which designated \$50,000 to be used for these purposes.

Please advise us regarding the status of any parcels that have been researched during the past year. The original list included several parcels near Echo Woods, a parcel abutting the Thankful Chase project, and several parcels near Grass Pond. We understand that potential owners may have been identified for some of these parcels. We hope that you are diligent in setting deadlines for collection of back taxes and/or initiating eminent domain proceedings to allow the parcels to be designated by the Board for CPA-related purposes.

If the first year parcels are not eligible for CPA funding, other parcels should be pursued promptly. The Real Estate & Open Space Committee has identified four new groupings to be researched. They are located near Eldridge Pond, Headwaters, Lothrop Avenue and the Water Department and are more specifically shown on the attached maps. Additional parcels may also be identified by the Housing Committee, Conservation Commission, Recreation & Youth Commission, Historic Commission and other town departments or committees.

These efforts may yield extensive benefits for the town at relatively low cost, and we urge you to direct prompt and thorough administrative action and legal research. Please let us know if we can do anything to move this project forward.

Sincerely,

Richard Thomas, Chair    Dean Knight, Chair    Gerard Loftus, Chair  
Real Estate & Open Space    Conservation Commission    Housing Committee

Mr. Merriam noted that the letter has been forwarded to Michael Ford, David Scannell and Mary McIsaac. He suggested setting up a meeting with all parties to go over the list again. Mr. Hughes asked that a status spreadsheet be provided and Ms. Cebula agreed adding that Mr. Merriam should follow up with quarterly reports. Ms. McIsaac described the lengthy tax title taking process and recommended keeping the properties on the tax rolls if there is any chance of collecting. Mr. Scannell gave a verbal report on the status of some of the properties.

- Ambulance Bill Abatement requests – *vote*

Mr. Hughes moved to authorize the ambulance abatement requests in the amount of \$465.59. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

## **TOWN ADMINISTRATOR'S REPORT**

Mr. Merriam delivered the following report to the Board:

### House Ways and Means Budget

MMA has written a memo (see attached titled "House's FY 13 State Budget plan would boost local aid" Harwich would receive \$364,333 in Unrestricted Aid, an increase of \$26,343 from Governor Patrick's budget. Monomoy is projected to receive \$2,460,460 in Chapter 70, an increase of \$75,920 over Governor Patrick's Local Aid. The House increased funding for Circuit Breaker and Regional Transportation.

### Update from Rep. Peake

I've attached a spreadsheet showing the HWM local aide numbers for your Towns~in the just released HWM budget for Chapter 70, PILOT (I don't have the town by town breakdown for this, but the budget~level funds~PILOT).~ Overall, the proposed House budget funds unrestricted General Aid at \$899M. increases Chapter 70 by \$164M to \$4.15B (up \$18.5M from H2), increases Circuit Breaker~by \$8.4M to~\$221.5M, and increases regional school transportation by \$2.0M to \$45.4.~ There is also a new line item in the amount of \$11.3M to fund the so-called McKinney-Vento homeless student transportation mandate.

~

According to the information we got in our caucus earlier today, there will be \$5M for~Regionalization Incentive Grants.~ I'll take a look at that line item and see if we can carve out some \$\$ for Monomoy.

~

Another bit of news from the caucus: we will be incorporating most of the provisions of H765, An Act to amend the Community Preservation Act in the budget~by adding an outside section.~ The effect of this will be to increase the state match to 50% by dedicating a portion of the annual reversions into the CPA Trust Fund.~ In addition, this will finally clean up the language and **allow communities to use CPA funds to improve and maintain recreational areas that were not purchased with CPA funds.**~ I know this is important to many of you who need to improve ball fields.~ The amendment is bi-partisan being offered by Rep Steve Kulik and Minority Leader Brad Jones, so I anticipate that it should pass with no issue.

~

### Monomoy Regional School Committee

The MRSC voted to reduce the Town assessment by \$662,400 through application of School Choice funds to the budget. Harwich's FY 13 assessment will be \$19,679,681 which will require a General Override of \$990, 183. (see memo from Supt. Cragin dated April 11, 2012.

Town Counsel recommended a rewrite of the Monomoy ballot question prior to its deferral in order to duplicate Chatham's language

### John Giorgio further revision

2. "Shall the Town of Harwich be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay the Town's allocable share of the bond issued by the Monomoy Regional School District for the purpose of paying costs of the construction of a new school, including the payment of all costs incidental or related thereto, which will be named the Monomoy Regional High School, to be located on a parcel of land located at 75 Oak Street, Harwich, Massachusetts which is

currently owned by the Town of Harwich and on which the current Harwich High School now exists?"

YES \_\_\_\_\_ NO \_\_\_\_\_

#### Warrants

The ATM/ STM and Election warrants will be published in the April 19<sup>th</sup> edition of the Chronicle.

#### Electronic Postings

See attached correspondence re: implementation

Anita,

~We do not need any additional information from you.~ You are all set. Thanks.

~Regards,

~Jonathan Sclarsic

Assistant Attorney General

Division of Open Government

#### Allen Harbor Dredging status

I spoke with Rick Kristoff from ACOE who indicated that he expects to receive the Suitability Determination by the middle of next week, but not later than 2 weeks. Once he has the Suitability Determination, he will seek Agency Review for the next 10 business days. At the end of the Agency Review, he will be in a position to grant the permit.

Attached is Craig Burnham's letter in which he has agreed to extend his bid price until May 30<sup>th</sup>.

#### E-Permitting

I offered Harwich to serve in pilot program to get regional software up by end of calendar year and Dave Spitz to serve as Town rep. Governance was agreed as one town-one vote.

#### League of Women Voters forum (Saturday April 28th Harwich Community Center)

Please join us for this important forum on "Climate Change and the Future of Cape Cod."~ If you know of anyone who would be interested in this subject,~please feel free to forward this flyer.~

~

Renate Sands

Secretary, League of Women Voters~Cape~Cod Area~~~

#### Follow up to Board idea for Net Metering Intermunicipal Agreement with Monomoy and Chatham

I heard that ~NSTAR is now ~“crediting”~ the accounts, no longer giving lump sum payments. I know we have excess net metering capacity from our solar projects, so that we can assign the credits, but not sure how this works with our Cape Light Compact. ~We’ll certainly work with everyone to make it happen.

Jill R. Goldsmith  
Chatham Town Manager

#### REOS letter

You are in receipt of a letter dated April 6<sup>th</sup> from the Chairs of REOS, Conservation and Housing Committees. They are seeking your support to continue the effort to acquire parcels with the status of owners unknown and tax title. I concur that our Real Estate Attorney should be encouraged to work with staff to locate owners if any and secure unpaid taxes. However, I caution you to not take steps to remove parcels from the tax rolls. Our policy should be to preserve our tax base and add taxable parcels whenever possible.

#### Water Dept. Award

We have just received notification from DEP that the Harwich Water Department ~has once again received a Drinking Water Award.~ We are one of the top 10 systems in the State of Massachusetts. That is out of 3,622 systems in the state. Myself and a two of members of our staff will attend the award ceremony in Boston over Drinking Water Week. I want to congratulate the Board of Water Commissioners for their outstanding leadership and the entire staff of the Harwich Water Department for their dedicated service. I am also proud to announce that the Harwich Water Department has won this award 10 times in the last 12 years. Please listen to notification on the above attachment.

Craig Wiegand  
Superintendent

#### Route 124 Design funding request from Lincoln Hooper

~ Route 124 (Route 6 to Brewster Town line) is now on the preliminary TIP for 14~at \$2.4m, but MassDOT planning is wanting it in 15~at \$3.5m.~ It was approved by PRC~at \$4m.~ Friday's JTC meeting will yield me more info, but one thing is clear:~ Harwich needs get moving on design if we want to leverage our money.~ I'm estimating that we need \$300k for design, but don't hold me to that.~ I really want to resist using Chapter 90~like we did on 137 to get some work done in town.~ ~

~

#### Beginning today, NSTAR is part of Northeast Utilities.~~

Together, we are a bigger, better, stronger company.~ Northeast Utilities has over 150 years of experience in New England, and is parent to Connecticut Light & Power, Yankee

Gas, Western Massachusetts Electric Company and Public Service of New Hampshire.~~  
And now, NSTAR Electric & Gas is part of this strong family of companies.~~~  
Our commitment to high quality customer service will continue to be the cornerstone of our business. You can continue to count on the safe, reliable delivery of electricity and natural gas.~

The merger of Northeast Utilities and NSTAR has many other benefits for our customers and our communities.~ We will continue to maintain a strong commitment to emergency preparedness and storm response planning, while building upon the enhancements that we've made to our plan over the past several months.

I continue to be your community relations contact.~ NSTAR bills, billing procedures, customer service telephone numbers and web site will remain unchanged.~

Please let me know if I can answer any questions.

Dennis Galvam

Manager, Community Relations

508-732-4206

CapeNet update (see attached press release)

CapeNet continues to make great progress on construction of the OpenCape fiber network. We now have construction crews on the Cape to complete the next phase of construction before tourist season begins.~

Earlier today CapeNet and Ciena issued the attached press release announcing CapeNet's selection of Ciena hardware to power OpenCape's fiber network.

I hope to see you at the SmarterCape Summit.~ In the meantime, feel free to visit our website ([www.capenet.com](http://www.capenet.com)) for the latest information regarding CapeNet or contact me should you have any questions or concerns.~

Tony DaSilva, CISSP

Solar farm

I have submitted to you a copy of the NSTAR report dated March 27, 2012 re: American Capital Energy/ Town of Harwich 4 MW PV Array Interconnection Study.

## **SELECTMEN'S REPORT**

Ms. Cebula requested a status report on the 3 properties involved in the HECH American Dream project and stressed that the money provided for the fourth property, which is not being built on, must be returned to the Affordable Housing Trust Fund.

## **ADJOURNMENT**

Ms. Cebula moved to adjourn at 9:50 p.m. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel  
Recording Secretary