**MINUTES**

**SELECTMEN’S MEETING**

**GRIFFIN ROOM, TOWN HALL**

**MONDAY, JANUARY 7, 2019**

**6:30 P.M.**

**SELECTMEN PRESENT:** Ballantine, Howell, Kavanagh, MacAskill, McManus

**OTHERS PRESENT:** Town Administrator Christopher Clark, Chief Clarke, Carolyn Carey, Jack Brown, Art Bodin, Richard Waystack, Bruce Nightingale, Jon Chorey, Joe McParland, Dana DeCosta, Angelo LaMantia, Mary Maslowski, Chris Harlow, Jim Joyce, Sharon Stout, Donna Richardson, Terry Russell, and others.

**WEEKLY BRIEFING**

Mr. McManus called for a moment of silence on the passing of long time volunteer Joyce Roche.

Mr. Clark stated that the Governor’s Office would like us to review the edits to the House Bill to include more liquor licenses as they were concerned that there were several edits. He said he would like to address having the House Bill’s edits reviewed and approved under New Business. He said they would be reaffirming the edits they previously made.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

No one appeared before the Board.

**INTERVIEWS FOR INTERIM SCHOOL COMMITTEE MEMBER (Harwich)**

A. Linda Cebula

B. Dana DeCosta

C. Tina Games

D. Charles Gruszka

Interview Process: Each candidate will respond to the following 3 questions (5 minutes total)

1. Why are you interested in this position – will you run for the position?

2. Please describe how your background will benefit the MRSD School Committee

3. What direction or improvements do you see are needed in the system?

The Board of Selectmen and the MRSD Harwich members can ask any follow-up questions prior to the nominations

The candidates each responded to the interview questions and took follow up questions from the School Committee and Board of Selectmen.

Mr. Russell of the School Committee nominated Charles Gruszka.

Ms. Richardson nominated Charles Gruszka.

Ms. Stout nominated Tina Games.

Mr. Ballantine nominated Linda Cebula.

Mr. MacAskill said the person he is going to pick has already been mentioned so there is no need for him to go further.

Mr. Howell said whoever we vote for, we need to recognize that sometimes you need different skill sets to be able to make the strongest team possible.

Chairman Kavanagh said the person she is going to pick has also been mentioned.

Mr. Clark asked for a roll call vote and the responses were as follows:

Mr. Russell voted for Mr. Gruszka.

Ms. Richardson voted for Mr. Gruszka.

Ms. Stout voted for Ms. Games.

Mr. Ballantine voted for Ms. Cebula.

Mr. MacAskill voted for Ms. Cebula.

Ms. Kavanagh voted for Ms. Games.

Mr. McManus voted for Ms. Games.

Mr. Howell voted for Ms. Cebula.

Mr. Clark suggested since Ms. Games and Ms. Cebula each received three votes, that they put those two names forward. He called for a vote and the votes were as follows:

Mr. Russell voted for Ms. Games.

Ms. Richardson voted for Ms. Games.

Ms. Stout voted for Ms. Games.

Mr. Ballantine voted for Ms. Cebula.

Mr. MacAskill voted for Ms. Cebula.

Ms. Kavanagh voted for Ms. Games.

Mr. McManus voted for Ms. Games.

Mr. Howell voted for Ms. Cebula.

Mr. Clark announced that Ms. Games had the majority of the votes (5-3). Chairman Kavanagh thanked all the candidates.

**CONSENT AGENDA**

A. Minutes – November 5, 2018 Regular Session

B. Vote to accept the resignation of James Atkinson as a full member of the Planning Board

C. Vote to rescind the appointment of Patricia Stackhouse to the Harwich Center Initiative

D. Vote to approve 2019 Annual General License Renewals

E. Vote to approve and sign the 2019 Seasonal Population Increase Estimate Form

Mr. Howell asked to remove Items C and D. Mr. Ballantine moved approval of the Consent Agenda Items A, B, and E. Mr. Howell seconded the motion and noted that in the minutes, Mr. Harlow is identified as Chair of the Planning Board and it is Mr. Joyce. The motion carried by a unanimous vote.

The Board agreed to hold on Item C as there was a question as to whether Ms. Stackhouse was sworn in.

With regard to Item D, Mr. Howell moved to approve the 2019 Annual General License Renewals with all of the restrictions that were currently on each of those licenses as appears in our packet. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

**PUBLIC HEARINGS/PRESENTATIONS**

1. Public Hearing – Finance Committee joint meeting with the Board of Selectmen and Capital Outlay Committee on the submitted 7-Year Capital Outlay Plan

Mr. DeCosta called the Finance Committee meeting to order and Mr. Chorey read the hearing notice into record. Mr. Larios called the meeting of the Capital Outlay Committee to order. Chairman Kavanagh opened the hearing. She called for public comment and no one appeared before the Board. Mr. Howell asked for a summary sheet which excludes items under $50,000. Mr. DeCosta noted that he provided one. Mr. McManus said items in the warrant should be clearly identified on the sheet and Mr. Howell agreed. Mr. Howell said the public has the right to see the Capital Plan without the items under $50,000. Mr. Clark said he will clean it up and make those changes. Mr. Larios said in previous years we listed it at the end in the working document. There was discussion on passing down of police vehicles with the requirement to purchase new green vehicles. Mr. Clark said police vehicles aren’t designed to be fuel efficient and the Board needs to address the handing down of these vehicles. Mr. MacAskill called for a more defined economic report on justification for the green vehicles and Mr. Larios agreed. Mr. Clark said he incorporated in the plan the Lothrop Avenue Water Line Replacement and that was the only change from the previous plan. Mr. MacAskill encouraged the Board to start talking about some of these larger projects as soon as possible and said its time to give taxpayers a break. He further suggested that some of these items should be in department budgets. He encouraged a conversation on free cash. Chairman Kavanagh said she would agenda these items. Mr. Brown called for discussion on any specific items on the plan for which people have issues. Mr. Howell discussed the Pet Burial Ground saying that if you’re going to build it and you don’t go into a debt exclusion we need to hear what it’s going to take in terms of sales to be able to get to the point of spending this and right now you got this expensed out through an account that doesn’t exist. Mr. Clark said they are planning to have the Cemetery Administrator in to discuss this. Mr. Ballantine brought up the ADA Sidewalk and Mr. Clark said we are applying for a grant but the design is excluded. He said the item is simply to match up to the grant offer. There was further discussion on road projects and Mr. Clark said he would invite Mr. Hooper in. Mr. Howell wanted a page that has a timeline narrative on impact on tax rate for the Tech School and sewering project. Mr. DeCosta commented that they aren’t putting the future needs of our orphan buildings, such as the former Recreation Building, on the plan and we should do that. Mr. Clark said they would be trying to put together a more comprehensive plan for these buildings. Mr. DeCosta closed the public hearing of the Finance Committee at 8:54 p.m. Chairman Kavanagh adjourned the public hearing of the Board of Selectmen at 8:54 p.m.

B. Joint meeting with Planning Board to discuss the draft Single Family Dwelling with Accessory Apartment Zoning By-Law

Mr. Joyce called the meeting of the Planning Board to order. Members present were Mr. Joyce, Ms. Maslowski, Mr. Harlow, and Mr. McParland. Mr. Ballantine said the accessory apartments come in conflict with the CWMP nitrogen reduction goals. He asked that this not be finalized until we get input from the Board of Health and he said he will be speaking with them on Wednesday night about doing this in a responsible way. Mr. Harlow agreed and said he also wants to make sure we are growing responsibly. Mr. Ballantine and Chairman Kavanagh discussed that you shouldn’t have to have a minimum of 40,000 square feet if you are sewered and Mr. Ballantine said he would come up with some language for that. Mr. McManus took issue with Item 3 as it doesn’t say what the criteria is for a “by right” approval. It was agreed that it should be defined as well as “special permit” approval criteria. Mr. MacAskill asked why detached is not included “by right” and said they should check with other towns that are doing it and said we should run this by our Housing Consultant. He said he would like this considered and Mr. McManus agreed. There was discussion about timeline for public hearings. Mr. Joyce moved to adjourn the meeting of the Planning Board at 9:20 p.m. Ms. Maslowski seconded the motion and the motion carried by a unanimous vote of the Planning Board.

**NEW BUSINESS**

1. Appointment of Gregg Winston as a full member of the Harwich Center Initiative Committee

Mr. MacAskill moved to approve the appointment of Gregg Winston as a full member of the Harwich Center Initiative Committee with a term to expire December 31, 2019. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

B. Authorize the Town Administrator to hold a “Dangerous Dog Hearing” under Chapter 140, section 157 relative to a dog attack, and report back on the findings and recommendations

Ms. Judith Wilson stated the following on behalf of her mother Ms. Jane Brietzke:

As elected leaders of the community, we wanted you to know a little bit more about our experience. If a neighbor had assaulted my Mom causing the injuries that she sustained, they would have been charged with assault, but apparently, if a neighbor’s dog does it, it’s acceptable. At least that’s how it has felt to us. We would have expected that the Animal Control Officer would want to know about my mother’s injuries. We would have expected that we would have been informed of the status of the animal’s vaccinations including rabies. We would have expected to be informed of what would happen at the end of the 10 day mandatory dog quarantine. We would have expected to be able to speak with a law enforcement officer about our frustration. My mother was hurt badly and the emotional and physical injuries have been traumatic but the response from the authorities has also been traumatic. We contacted the Police Department multiple times for help by phone, by email and in person. Because of every other contact I’ve ever had with the Police Department, I had ever reason to believe I would receive help. But if our experience is any indicator it seems that there may not be any formal procedures for oversight and review in situations like what happened to my Mom. If we are correct, then something is terribly wrong with the process and if there is oversight then something went terribly wrong with the process because we felt that we had no help. Even after writing our letter, we have heard nothing about any of those expectations that I mentioned earlier. Some years ago, my father who is now deceased, completed the Citizens Police Academy and then volunteered for the Harwich Police Department and the Council on Aging putting house numbers up around Town to improve public safety and all I can think about is how incredibly disappointed and upset he would be about all of this. My brother who is himself a Police Officer, is also upset about this as am I who used to work for the Town. Honestly we expected better. We didn’t go to Facebook and create a public outcry and believe me, I’m hoping that you saw the pictures because we sent them with the letter, everybody who has seen the pictures is outraged. We didn’t fill this room tonight and we could have done that as well. Instead I am here to try and continue to do the right thing. Shouldn’t expectations be high when it comes to the safety of a 79 year old widow who lives alone in our community for nearly 22 years. I would hope that matters of public safety you would want better for your residents for people like my mother. Thank you.

Mr. Clark said he will reach out to the Police Department and investigate how this was handled and said he has already had initial discussion with police leadership. He said he would be happy to meet with Ms. Wilson as well.

Mr. Howell stressed that she needs some answers and she needs them soon and Mr. Clark agreed. Mr. MacAskill apologized on behalf of the Town and also urged that information be provided immediately. Chairman Kavanagh said this should have been very quick and very exact and concurred we need information quickly and a written process in front of us as to how the Police Department and Dog Officer are going to deal with this. Mr. McManus agreed and said the process needs to be much smoother. Mr. MacAskill said the Chair should be notified in the next 24 hours as to what’s going on. Mr. MacAskill moved to authorize the Town Administrator to hold a Dangerous Dog Hearing under Chapter 140, Section 157 relative to a dog attack, and report back on the findings and recommendations and that he gets any information pertinent to her personal health to her immediately. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

With regard to Mr. Clark’s earlier recommendation that the Board approve clerical edits to the Special Legislation for additional liquor licenses, Mr. Howell moved that we approve the marked up version of the language and send that version to the Governor. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

**CONTRACTS**

1. Contract to receive Executive Office of Elder Affairs Formula Grant funds for FY 2019 in the amount of $55,548 - authorize the Town Administrator to sign

Mr. MacAskill moved to approve the contract to receive Executive Office of Elder Affairs Formula Grant funds for FY 2019 in the amount of $55,548 and authorize the Town Administrator to sign. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

**TOWN ADMINISTRATOR’S REPORT**

1. Green Communities Designation

Mr. Clark reported that on December 27th we receive the official designation as a Green Community. He said the grant award is $152,910 and that allows us to continue to apply for grants moving forward. He said it further requires we get signs installed in 4 locations indicating we are a Green Community.

1. Contract for Town Wide Radio - Phase 2 ($13,857.29)

Mr. Clark reported that this contract is for individual portable radios and it came in at a lesser amount. He said the project is coming to conclusion.

1. Station 2 Contract – Geotechnical Field Observation ($12,650.00)

Mr. Clark reported that this contract was consistent with budget for Fire Station 2.

1. Departmental Reports

There was no action or discussion on this item.

Mr. Clark reported that Assistant Town Administrator Mr. Melillo didn’t survive his probationary period and Mr. Lawton has agreed to come in once again. He noted that we will be advertising for the position.

**ADJOURNMENT**

Mr. Ballantine moved to adjourn at 9:41 p.m. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel

Recording Secretary