



RELEASED

**MINUTES
SELECTMEN'S MEETING
REMOTE PARTICIPATION/GRIFFIN MEETING ROOM**

**Monday, June 15, 2020
6:30 P.M.**

APPROVED

SELECTMEN PARTICIPATING: Larry Ballantine, Stephen Ford, Donald Howell, Michael MacAskill, Edward McManus.

ALSO PARTICIPATING: Interim Town Administrator Joseph Powers, Health Director Meggan Eldredge and Lieutenant Scott Tyldesly.

CALL TO ORDER

Mr. Ballantine opened the meeting at 6:30 pm, and called to order the Board of Selectmen. He explained he first called the meeting to order at 5:45 pm for an Executive Session. In Executive Session, they discussed the collective bargaining for Harwich Employees Association and the Highways and Maintenance Employees Association, and that discussion will be continued. Secondly, they discussed the collective bargaining regarding open sessions on several items; mostly on vacation and sick leave times. Then thirdly, they briefly discussed a strategy session for contract negotiations for non-union personnel, namely the Finance Director, Fire Chief-elect and Police Chief.

He also noted that they are operating a little differently this evening, with regards to public comments, and hopes people are patient with them.

WEEKLY BRIEFING

A. Covid-19 Updates:

1. Use of Town property – Saquatucket Harbor parking lot in support of Outer Cape Health Services pop-up testing center for June 17, 2020 and June 18, 2020

Mr. Powers said that they are joined by Ms. Eldredge, Health Director, as well as by Ms. Patricia Nadle, CEO of Outer Cape Health Services.

He explained that Governor Baker announced pop-up testing facilities, for people who have attended large gatherings. There are 50 test sites which will pop-up around the Commonwealth on Wednesday, June 17th and Thursday June 18th. For the Cape, that will be the three facilities that are related to the Outer Cape Health Services organization. He knows that Outer Cape Health Services had reached out to the Health Director, who then reached out to him. They immediately assembled with the Harbormaster, Police Chief, Deputy Police Chief, Deputy Fire Chief, Town Engineer and the DPW to discuss this. For the Board, the topic has been added to the agenda because of what they are talking about, and to support Outer Cape Health Services to do this.

A plan has been identified, which encroaches on Town property. Mr. Powers showed on the map the site parking lot they would like to use for traffic flow. They expect approximately 200 people per day that may avail themselves of the testing opportunity during the hours of 8 AM to 7 PM each day. They are working with public safety and other officials to identify the quickest way to get people through the registration process and then proceed around and across the street to Outer Cape Health Services. They will then use Hoyt Road as egress. Mr. Powers requested that the Board authorize the use of the Town property in support of this. He then turned it over to Ms. Eldredge.

Ms. Eldredge said that she would like to have Ms. Nadel, Outer Cape Health Services, speak first. She can let them know what the background is and what her expectations are for the next couple of days and how many people she's anticipating. Then Ms. Eldredge can fill in the blanks from there.

Ms. Nadel explained that they were asked by the Governor's Command Center, last Friday morning, if they would participate and be a pop-up testing site, for anyone who had attended a mass gathering. Other than a CVS in East Falmouth, they are the only testing site on Cape Cod. They believe they will fill up the schedule fairly quickly in Harwich. Their concern, when they reached out this morning, was traffic on Main Street and trying to get everything into their lot. They have a tent already set up in the back. What they would like to do is to bring folks to the harbor area to make a lot longer queue to get them off the main road one way in and one away out.

It is a free testing for those who attended a mass gathering, and folks are calling for appointments, this is a popular opportunity for folks. It will be open from 8:00 am until 7:00 pm. They do expect a steady stream of cars and with the schedule they will try to plot it out. Although they have asked people to call for appointments, they do expect to have people show up without appointments and they will be prepared to take people in the queue and register them on-site. It is a very daunting endeavor and they certainly appreciate the help of everyone in the Town.

Mr. Powers said that they also have Police Chief David Guillemette on the call, who can also help answer questions on traffic control measures. He also made note, that they have already scheduled a follow-up briefing tomorrow morning at 9am. They will go over what is discussed tonight, make a contingency plan, and then will also do a walkthrough early Wednesday morning.

Mr. Ballantine asked Chief Guillemette how the traffic flow is going to work and for clarification on that.

Chief Guillemette explained that this was the best quick plan that they could come up with at the site. It is a very challenging area of town to do something like this, but they will try and use the lot at Saquatucket Harbor. The plan is to bring everyone in off of Route 28, to the initial staging area, in probably two or three queues, or as many fit in that area, and then up into the upper lot, around the corner, then back to Route 28 and then into the lot of Outer Cape Health. This location is very challenging with short notice, but they will make it work.

Mr. Ballantine asked if an officer will be positioned on Route 28. Chief Guillemette responded that they will have at least two officers and himself and the Deputy will be out there as well, to take a reading on the initial staging of this.

Mr. MacAskill said that the only concern he has is the harbor traffic flow. He would like to know what will be done to allow dockside traffic and boat trailers to be able to exit, when there is clearly going to be a bottleneck coming out of the harbor? Chief Guillemette said that it is going to be a busy point and they are getting Cert Personnel that are familiar with traffic flow and they will be in the lot and the police out on the main roads.

Mr. MacAskill confirmed that they will have someone out there, to allow municipal traffic to go first. Mr. MacAskill also asked if Mr. John Rendon, Harbormaster, has also been a part of this planning. Mr. Powers responded that he was part of the briefing and also felt that this was the best plan. They have also spoken to Mr. Rendon about reaching out to his client base and they will also be meeting again tomorrow morning. Mr. Powers reiterated that they have had Police and Fire, Engineering, Health, Harbor, Administration and Public Works all in place within minutes of hearing the call for support. The team responded quickly and thoroughly.

Mr. McManus asked what the process is for people who want to make a reservation for the testing. Ms. Nadel responded that she was not sure of the number, but it is listed on the Mass.gov website under [mass.gov/gettested](https://www.mass.gov/gettested). They do have a press release also and there is a separate number which has three lines and they would be able to leave a message. That number is 508-905-2801, that number is available to call throughout the day. They have had a very big response. There are no questions, it is a free test supported by the State. The Governor did encourage people to take advantage of this, and they do expect this location in Harwich to be the busiest location. Mr. Ballantine asked if she thought this would continue further beyond the two days. Ms. Nadel said that the State is paying for this, so it is free to the community, and they are only doing the two days.

Mr. Powers said they are also working on broadcasting to get this message out and the electronic signs as well.

Ms. Eldredge said that as the Health Department, they have planned for something similar to this, for large scale drive through clinics, so they do have some resources for Outer Cape and can offer help and believe they can run this efficiently. She is very excited to host it in Harwich and be able to offer it to the people of Cape Cod, and thinks it is a wonderful opportunity.

Mr. MacAskill moved that they approve the use of Town property at Saquatucket Harbor parking lot, in support of Outer Cape Health services pop up testing center for June 17, 2020 and June 18, 2020. Seconded by Mr. McManus. All in favor, motion carried by unanimous vote.

2. COVID-19 numbers update.

Ms. Eldredge reported on her memo from June 11th. To date there have been a total of 121 cases in Harwich, and 71 of those are associated with staff and residents at the Wingate Assisted Living Facility. Of the 50 cases outside of Wingate, 43 have recovered and 4 have passed away. This leaves only three people that are currently active and in isolation. Those three people are all under one household, and they understand where the infection came from. They are also following the isolation guidelines and will hopefully be released in the next week.

They are doing really well in Harwich. In Barnstable County they have 1,489 cases, and 130 deaths. The Commonwealth is up to 105,690 cases and 7,647 deaths. So, they are still showing a decline in the number of positive testing every day, and hospitalization rates are still going down. Today's numbers show that there are six people in Cape Cod Hospital in the COVID unit. And four of those six are in the ICU. In Falmouth Hospital, there are a total of nine patients with COVID, which are in the ICU. That is the numbers update.

3. Town's compliance with mandatory workplace safety standards

Mr. Powers ask Ms. Eldredge to provide an update on where they are at with the workplace safety standards and being able to get buildings open. Ms. Eldredge reported that they are allowed to be at 25% capacity. She had started with Town Hall, being the most pressing to get open. At 25%, that basically means one person per 400 ft.². The thing to remember, is that offices, if they are less than 400 ft.² can still have one person. We have the staff to worry about, and then the public to worry, about as far as getting the right occupancy in the buildings.

She went floor by floor and office by office to see where they are good and where they are too crowded. The tax office has three people, and it is only 802 ft.² so only two people could remain in the office the same time. Ms. Amy Bullock, Treasurer/Town Collector, is in her own office, so she can stay were she is. In the Accounting office there are two people that share a space that is much smaller, so one person would need to be relocated. On the other side, the Assessor's office, two women share the front space and then there's two offices in the back. One belongs to the Assessor and the other one is a used for meetings. So, one person would need to be

removed from the bigger office in the middle and relocated. Then the Administration Office, is all one person per office, so no changes are needed there.

Mr. MacAskill questioned why they could not utilize the meeting room in the Assessor's office for office space. Ms. Eldredge responded that there are options, and she is just giving the information and did not feel she was the person to move people around. Mr. Powers also noted that this evening they will hear from other task forces that are all part of the same goal and to also provide for remote work and spreading people out.

Mr. Howell also asked about the Town Election coming up and the significant number of mail-in ballots that will be coming in. So, they really need to have those employees in proximity. Mr. Powers said that they are targeting July 1st as the start date for all of this, because that is the mandated obligation they need to have this in place by. Also, they think this can be the beginning of Phase III, which all ties together and will hopefully get them past Town Election.

Mr. Ballantine asked Ms. Eldredge about opening up to the public, and if that will be part of Phase III. Ms. Eldredge said that she was holding off on public access right now, because first is the occupancy. We have enough square footage to have eight people from the public coming in, which is for all three floors, to meet maximum capacity. So, figuring out who gets the eight people, and when, has been a challenge. We figured out a plan, to allow each department to be able to have a guest/visitor/customer at a time, so that they can do things by appointment. This would be by call-ahead appointments, and would be put on the individual departments to figure out when they can have a person in. That way they don't have to have staff outside of Town Hall counting.

The other part of this is that the mandatory safety standards, which she gave them the training manual last week. These are mandatory things that they just haven't met. They are still waiting for a few signs, the training and hand sanitizer stations.

Ms. Eldredge continued with the second floor, which she said they have already made some office changes, to have more social distancing. Some of the inspectors are sharing space and will have to relocate or work remotely. The building administration area has a vacancy, but only one

person can use that space right now. So, when that position is filled, that would be a place for one person have to work in a different location. Planning is all set with one person in each area, and Conservation is sharing one large room which is smaller than 400 ft.², so one person there will have to work remotely or alternate schedules. They do have a small meeting room, which could be used as office space, as well.

4. Technology Task Force

5. Health and Safety Task Force

Mr. Powers said that they have in their packet, the descriptions of both of these task forces. As Ms. Eldredge had explained, the mandatory safety standards, occupancy, capacity, and also having to make changes for remote working capabilities. He had identified a Technology Task Force to evaluate and make recommendations to him, on the following topics that are listed here:

- Remote workplace equipment Computer equipment, desktop mirroring, docking stations, etc.; and
- Applications that support remote access to municipal processes and programs, including online ordering (City Hall Systems, UniPay, etc.), online permitting (Accela, others) and document handling (Laserfiche, King Information Systems, etc.)

This task force was going to bear fruit, as part a discussion later on this evening with a proposed contract for the purchase of laptops, which gets to a concept in the CARES Act of accelerated telework capacity. So, there is a reimbursement mechanism there, with a recognition to meet the occupancy standards, which they have done with all of their efforts in identifying office space. They will still have employees that do not have a place, and they can rely upon remote work capabilities and obviously rotational remote work capabilities.

Also tied into that, is the Health and Safety Task Force. This is a discussion which needs greater length with the board, as it may impact upon FY 2021 budget. These two areas are clearly born out for the last three months, with the pandemic, and what they see being the world for the next months, if not years ahead.

He has asked Ms. Eldredge and Mr. Libby, along with Ms. Tenaglia and the Health department, to work on both, health issues and occupational safety.

They had a conversation earlier this year with the DPW Director, to identify obligations which the Town has with the State Occupational Safety Standards, but those also come into play with COVID.

The three bullet points that he has asked them to look, listed here, are obviously everything that Ms. Eldredge has been doing on a health response to COVID-19.

- Health (focus on meeting CDC guidelines in response to COVID-19 specifically and other health crises;
- Occupational Safety (focus on state-based Workplace Safety & Health requirements);
- Custodial services (immediate focus on sanitizing and cleaning responsibilities under CDC directives)

Occupational safety which is going on now, but will need to be ramped up, and custodial services are critical, as they get into this discussion. The Technology Task Force will be part of a conversation later this evening, for a potential contract for that. He then asked Ms. Eldredge if she would like to add anything on the Health and Occupational Safety Task Force.

Mr. Ballantine first asked about the Technology Task Force, if it would be worthwhile to add a Department Head, to have a user involved, with that discussion as well? Mr. Powers responded that Lieutenant Tyldesly is on the call, and is a co-chair of that task force. He then asked Lieutenant Tyldesly if he could respond to how they have reached out to end users in this effort, for the task force.

Lieutenant Tyldesly said that they had to work quickly, and did not reach out to individual users to see what the individual needs were. However, they wanted to be sure Department Heads had the immediate ability to work remotely. Then they would expand in the second phase to support staff and clerical staff and all of the departments going to DPW, Water, Fire, Police and all those in Town Hall. They have received good feedback from Department Heads at this point. If the contract gets approved tonight, they will move quickly tomorrow morning to schedule the rollout of those.

Ms. Eldredge responded on the Health Task Force, and the three areas that she evaluated for health custodial services and occupational safety. Under normal good times, the Health Department is fairly well staffed, but they could use another person. Obviously, they have herself, one other full-time and one part-time person. They get the job done, but with COVID now, and moving forward with COVID, the phone calls and emails are incredibly overwhelming. She can't even say how many they get a day, probably hundreds of phone calls and emails, with the information, or questions from industry, or complaints from the public about people not complying with the rules. Moving forward, she can see a real need for an additional staff person.

For Custodial Services, they are grossly understaffed right now. They have buildings that they don't even clean professionally, there are buildings that the town occupies and uses daily that rely on staff members and Department Heads to clean and maintain those areas. Having more custodial staff is required. We have to cleanup frequently, and daily, for any building that is open to the public, or just to employees right now. We are not meeting that task. Custodial services are a top priority on the list for her as far as getting services for not only the building they occupy year round, but also for the bath houses and the parks which need daily cleaning, if not more than that, to maintain the sensitization levels.

For Occupational Safety, which is not normally under the Health Department realm, however being in the EEOC in hearing how our staff employees are operating she has seen that they did not meet some of OSHA standards. Therefore, she recommends that there is a staff member, or someone dedicated, to OSHA compliance. There are many materials that staff is using and without proper training on how to use them, it is an accident waiting to happen. On top of cleaning and disinfecting properly, they need to train and show staff how to clean and disinfect properly, and use the right supplies. Those three areas, is recommended that the Health Department is involved in, in order to get a level of professionalism and the level of expertise that they really need to keep stay healthy and safe, both the public and employees.

Mr. Powers said that with their time working with the EEOC, they have had numerous discussions about how to manage this in the long-term. He wanted these topics to be on the agenda, to let the Board know about that these other items of technology and health, which may need investments

in and he will have a proposal drawn up to the Board for consideration. He wanted to bring this up this evening because the topics are tied together. They will be talking this evening about FY 2020 and FY 2021, and the dire effects they have and also the need to be mindful of some obligations that they have going forward. This is the first time he wanted to put it out there, but he will have a proposal before the Board, possibly as soon as next week's meeting.

Mr. Ballentine said that they had heard a report about having to up their game regarding Occupational Safety Procedures, because of the State and Federal guidelines, which was before this all of this started.

Mr. Howell stated that they have already had numerous discussions about things that were discreet and related to COVID, that would be covered under the CARES act. The said this, so that the public understands they are not just going to beef up staff.

Mr. MacAskill asked if they could bring forward the plan that the other towns are doing? Also, to Mr. Howell's point, both items would be reimbursable by the CARES Act. If they are going to move forward with this, can they at least look at the county? As he always asks, can they look at what the surrounding towns are doing, and are their people they can share services with, instead of tackling it alone?

B. Update on ongoing efforts by the Town in support of the business community.

Mr. Powers reported that he and Ms. Eldredge had a conversation on Friday, and there was a Department of Public Health (DPH) call on Friday, which led to the memo which is included in the packet about outdoor entertainment. He asked Ms. Eldredge if she had further updates from the DPH that may have modified it slightly?

Ms. Eldredge said that she received an email confirmation from the DPH, on Friday afternoon with her question about outdoor entertainment at restaurants and it was clarified that during Phase II, of the reopening plan, that outdoor live performances are not currently allowed. They did not distinguish between a one-man band, comedian, or live performances of any nature. Regardless of whether it is outdoor, or extended outdoors, it is not allowed.

Mr. Powers continued that as they can see in the memo it is being asked for them to keep this in mind as they get into entertainment licenses, later on, even if the license is approved under this restriction by the State. Mr. Ballentine said that they can approve the licenses, but this supersedes it temporarily.

Mr. Howell said that he had read the underlying memo from the State, and what he doesn't understand are what the substantive differences are between live entertainment and amplified canned entertainment. He did not see any difference whatsoever. Mr. Ballantine said he does not either, and if anyone could explain it.

Mr. Powers said that he had that same conversation, and asked if they could interpret what the DPH directive was to include recorded. This is why Ms. Eldredge had sent an email to seek clarification and from the DPH standpoint they are only talking about live performances. Also, he does not believe he is overstepping, by saying that this Board is the Licensing Authority, and they can add further restrictions locally, which may be deemed necessary.

Ms. Cyndi Williams took the floor to discuss the full week they have had with all three industries; restaurants, retail and lodging. So far, they have said they had positive sales, and hotels and short term rentals are seeing some action which is all positive things. Restaurants are busy, and many have re-created themselves by using parking lots, or by adding tents or their businesses in general. One example is L'Allouette, where they have their own Harwich Port cowboy, with Christian. She does want to commend the Town staff for helping to get this done, so very quickly. She expressed a thank you to Mr. Power and Ms. Eldredge and team because all of the businesses are very happy. They are one of the first towns to move ahead and get restaurants creatively open.

Ms. Williams also noted that the new Harwich magazine is there. The magazine had an opportunity to hail to the chief, to acknowledge Chief Norm Clarke, and everything he has meant to Harwich.

She also mentioned that they are not allowed to be open, but they are open with a takeout window. They do have a welcome back they are doing with the magazine and they will be starting to do a visitor only beach sticker through the takeout window next Monday.

PUBLIC COMMENTS/ANNOUNCEMENTS

Mr. Ballantine asked Mr. Tyldesly if anyone was interested in speaking during public comments/announcements. He said that he had two people looking to speak in public comment, and someone for old business, and someone for new business.

The first person who indicated they wanted to speak was Mr. Tom Sherry. Mr. Tyldesly was not sure if Mr. Sherry was on the call but asked if he was, to press star six to unmute. After no response, they moved on to the next person, Ms. Donna Richardson.

Ms. Richardson thanked them for the opportunity and wanted to address the conflict of interest issue, currently happening in the Town of Harwich. She continued that a part-time employee of the DPW, is also a member of the Finance Committee. After speaking with the State Ethics Committee today, they say this person cannot be a part of any finance discussion for the DPW. They added that there is no gray area in this matter. A part-time or a full-time employee should not be a part of any finance committee discussion, in this case the DPW. So, that leaves her with three questions: 1. Are the parties, or persons involved aware of this, that they should not participate in these discussions 2. How does one know and step aside when DPW discussions occur, 3. And have there already been finance discussions which have been discussed, such as, prices for transfer station stickers. Which this person may have already been allowed to be a part of those discussions. She would like some direction.

Mr. Powers said that he can respond and answer her questions. First, to the question about if the employee knows, the answer is yes. This goes back to 2019, and the employee was advised of the conflict of interest with in the State ethic requirements. The employee in question, did file the requisite notifications and they are on file with the Town.

Also, regarding the question about how they would know if they were present during discussions; the person in question, was present at the daylong budget session on March 7, 2020. This can be seen on the video that at the time of the Department of Public Works budget, the gentleman recused himself, and removed himself from the room. Also, in that instance he removed himself from the building and he did return to the meeting until later when it was not related to public works.

To answer the other question, about if there have there been finance related meetings, related to the DPW, there was one on March 7th, prior to COVID. It is his understanding that the finance committee has not met again, but were they to meet and if it was related to DPW, that individual would handle themselves in the same manner; identifying the conflict, and recusing themselves and removing themselves from the room.

Ms. Richardson thanked them and appreciated it. Though, she wished they would have responded to this in her emails, as it would have saved her a lot of time. However, it is good to know.

Mr. MacAskill commented, that he had read a response to Ms. Richardson which outlined the legal opinion that they got. He wanted to make sure that it was clear, that they had responded to her. He commented directly to Ms. Richardson that the outline of the legal opinion answered almost every question. Ms. Richardson said she did not think that the same information was in the email, but it is clear tonight, so that is good.

CONSENT AGENDA

- A. Vote to approve Caleb Chase Fund request in the amount of \$800.00
- B. Vote to accept a donation from The Jeff and Sandy Wycoff Lane Foundation in the amount of \$15,900 to the Shellfish Lab Gift Account
- C. Vote to approve letter of support for the Municipal Vulnerability Preparedness (MVP) Action Grant Application Town of Barnstable

Mr. Ford moved to approve the three consent agenda items listed above. Seconded by Mr. Howell.

Mr. Ballantine added that he would request that they sign the letter of support tonight. It had come in at the last moment, and they need it, and it is to their benefit that they give money to that organization. Mr. Powers has that letter.

All in favor, motion carried by unanimous vote.

NEW BUSINESS

A. Vote to approve Police Department Annual Appointments – FY 2021

Mr. MacAskill moved that they approve the Police Department Annual Appointments for FY 2021. Seconded by Mr. McManus. All in favor, motion carried by unanimous vote.

B. Discussion and possible vote – Enhanced Enforcement in the Robbins Pond Conservation Area

Mr. MacAskill commented that he was not sure if this is an action needed, or just a consensus from the Board that they ask the Police Chief and the Police Department to respond to Conservation.

Mr. Ballantine said he agreed, and he thought it was important that they support this. He asked Ms. Amy Usowski, Conservation Agent, if that is sufficient? Ms. Usowski said that she has spoken in the past with the Chief and with Deputy Chief Kevin Considine, they have set something up to go out there. This was just to make it a known to the Board of Selectmen and to get their support.

Mr. MacAskill said he would just like to add, to the Town Administrator to meet with the DPW Director, as well along with Ms. Usowski, to discuss where the vehicles are going in, and to put some more boulders. He added that he frequents that area, and they need to replace some of the boulders with the new trails that have been put in.

C. Discussion and possible vote – Use of town beach parking lot - Pleasant Road Beach for staging of sand nourishment for 11 Shore Road

Mr. MacAskill moved that they approve the use of town beach parking lot for Pleasant Road Beach for staging of sand nourishment for 11 Shore Road. Seconded by Mr. McManus.

Mr. MacAskill asked if they could know how long the sand would be in the parking lot, and what the date is and will it impact the beach users.

Mr. Powers asked if the applicant is on the line. Mr. Perry was not available. Ms. Usowski responded that she does not have a date yet, that was dependent

on their vote, but it would be a one day use, and they would coordinate with Mr. Eric Beebe, Mr. Lincoln Hooper and herself. So, it would not be during a high volume day.

Mr. MacAskill would just add, as part of their vote, that it is contingent upon the approval of Mr. Beebe, Mr. Hooper and herself.

All in favor, motion carried by unanimous vote.

D. Discussion and possible vote – Proposed Board of Selectmen 2020 Summer Schedule and Nonresident Taxpayers Meeting

Mr. MacAskill said he thinks this requires a conversation first. That given the current situation, he is not sure that they should be meeting every other week, he would rather see this be a weekly decision by the Chairman. There is enough information to have a meeting with the help and support of the businesses and the fact that they may be needed. He does not think a blanket statement to meet every other week, is a responsible decision.

Mr. Howell said, to further what Mr. MacAskill just said, they have a regular Town Meeting coming up on September 28th. If they are fortunate enough to keep the management of this town intact, until they get there, the last he wants to see is to short the time for preparation. He continued that they only need three of them to the conduct a meeting and he does not feel they should cancel because there is a lot of stuff they need to agree to.

Mr. Ballantine said he is agreeable with that, but he would like to have some flexibility. If it appears there is a week that they can take off, he would like to possibly be able to cancel a meeting.

Mr. Powers said his only question for the Board is if they want to affirm a proposed date for the nonresident taxpayers meeting. Mr. Ballantine said yes, they will do that and they were at a meeting every week and given option for them to cancel. Mr. MacAskill said for those in the public, the meeting for the nonresident taxpayers would be August 10.

There's no motion necessary on this item.

E. Discussion and possible vote - Proposed Holiday Schedule for FY 2021
Board of Selectmen Meeting Agenda Monday, June 15, 2020 Page 2 of 2

Mr. MacAskill moved that they approve the proposed holiday schedule for FY 2021. Seconded by Mr. McManus.

Mr. MacAskill had one question on the Friday before the 4th of July holiday. Mr. Powers confirmed it is a Federal holiday, and they adhere to the Secretary of State's calendar.

All in favor, motion carried by unanimous vote.

F. Discussion and possible vote – to approve application for a permit of relief from Noise By-Law (Chapter 189 of the Code of the Town of Harwich) for a Live Music Permit for the Farm Open House – Pot Luck – Cape Farm Supply – 1601 Factory Road – Date, June 27, 2020 – 3:00 PM – 11:00 PM
Note: coronavirus postpone dates if necessary; July 25th or August 19th – 3:00 PM – 11:00 PM

Mr. MacAskill moved that they approve the application for a permit of relief from Noise By-Law (Chapter 189 of the Code of the Town of Harwich) for a Live Music Permit for the Farm Open House Pot Luck at Cape Farm Supply, at 1601 Factory Road – Date, June 27, 2020 from 3:00 PM – 11:00 PM. With a note that the coronavirus postpone dates if necessary; July 25th or August 19th – 3:00 PM – 11:00 PM. Seconded by Mr. McManus.

Mr. Ford asked if they are restricted due to the rules of no live entertainment. Mr. Howell said that it is private property. Mr. Ballantine said that it is a good question. Mr. McManus commented that most entertainment licenses are on private property too. Mr. MacAskill said that he disagreed because this is a 20-acre piece of land where they can socially distance and he would also argue that a private property of a residence is different than that of a business.

Mr. McManus said he was not sure if this applicant needed to apply for this permit. Mr. MacAskill said he would agree, but he did, so therefore does not want to hold it up. He also said that there had been a complaint a few years ago from across the pond, so he thinks that the applicant applies so that if there are any complaints they could say there is a permit pulled for the event.

All in favor, motion carried by unanimous vote.

- G. Vote to approve –Allen Harbor Breeze Inn Realty Trust - Lodging House — Seasonal Renewal - 326 Lower County Road, Harwich Port

Mr. MacAskill moved that they approve the Allen Harbor Breeze Inn Realty Trust Lodging House Seasonal Renewal at 326 Lower County Road, Harwich Port. Seconded by Mr. McManus. All in favor, motion carried by unanimous vote.

- H. Vote to approve –Dockside Seafood Shack LLC - Common Victuallers License - Seasonal Renewal – 715 Route 28, Harwich Port

Mr. MacAskill moved that they approve the Dockside Seafood Shack LLC - Common Victuallers License - Seasonal Renewal – 715 Route 28, Harwich Port. Seconded by Mr. McManus. All in favor, motion carried by unanimous vote.

- I. Vote to approve – Ember Pizza, Inc. - Sunday Entertainment License – Renewal - 10AM-12AM inside and 10AM – 10PM outside –600 Route 28, Harwich Port

Mr. MacAskill moved that they approve the Ember Pizza, Inc. - Sunday Entertainment License – Renewal - 10AM-12AM inside and 10AM – 10PM outside –600 Route 28, Harwich Port. Seconded by Mr. McManus.

Mr. Ballantine asked if this is a separate action from the hearings that Mr. Powers is overseeing and if they approve this if it would affect any decisions on that matter. Mr. Powers confirmed that it is separate. Mr. Ford also asked if this has anything to do with the topic of the live music restrictions that Ms. Eldredge talked about. Mr. Ballantine said that he understood that it would supersede this. Mr. MacAskill said that he thinks they should get a letter to sign off on, when they get their license that states it is as per the Governor's order, until the next phase or the Governor changes the order.

Mr. Howell said that in addition until the restrictions are lifted, primarily they will all be operating outdoors and 10am on a Sunday is pretty early. Especially with a noise committee giving recommendations based on conditions the way they used to be.

Mr. MacAskill said that it is his understanding that they are approving the entertainment licenses for the year. They are still going to require all of the COVID-19 monitoring. And he would also say if the noise committee is able to meet again, once this is lifted, they were going to come back with recommendations. This is re-doing the licenses from last year.

Mr. Ballantine said in terms of the memo that Mr. MacAskill suggested, he does like adding that for live and recorded music. Mr. Powers asked for a sanction from the Board and clarification and continued conversation on the difference between live vs. recorded music. Mr. MacAskill said they should not change anything. Mr. Howell said he will not favor this, because of where they are doing this and the issue of being outdoors.

Motion carried by a vote of 5-0-1. Mr. Howell was opposed.

- J. Vote to approve – Sundae School Inc.– Common Victuallers License – Seasonal Renewal — 606 Route 28, Harwich Port

Mr. MacAskill moved that they approve the Sundae School Inc.– Common Victuallers License – Seasonal Renewal — 606 Route 28, Harwich Port. Seconded by Mr. McManus. All in favor, motion carried by unanimous vote.

- K. Vote to approve – Sundae School – Weekday Entertainment – Seasonal Renewal - 11AM – 10:30PM Recorded Music – 606 Route 28, Harwich Port

Mr. MacAskill moved that they approve the Sundae School – Weekday Entertainment – Seasonal Renewal - 11AM – 10:00PM Recorded Music – 606 Route 28, Harwich Port. Seconded by Mr. McManus.

Mr. Howell added that this music is the typical background music that they use here. All in favor, motion carried by unanimous vote.

- L. Vote to approve - Sundae School, Inc. - Sunday Entertainment – Seasonal Renewal - 1PM – 10:30PM Recorded Music - 606 Route 28, Harwich Port

Mr. MacAskill moved that they approve the Sundae School, Inc. - Sunday Entertainment – Seasonal Renewal - 1PM – 10:00PM Recorded Music - 606 Route 28, Harwich Port

Seconded by Mr. McManus. All in favor, motion carried by unanimous vote.

- M. Vote to approve – Phoenix Park, Inc. DBA Cape Cod Irish Pub – Common Victuallers License Seasonal Renewal – 126 Route 28, West Harwich

Mr. MacAskill moved that they approve the Phoenix Park, Inc. DBA Cape Cod Irish Pub – Common Victuallers License Seasonal Renewal – 126 Route 28, West Harwich. Seconded by Mr. McManus. All in favor, motion carried by unanimous vote.

- N. Vote to approve – Phoenix Park, Inc. DBA Cape Cod Irish Pub– Lodging House - Seasonal Renewal – 126 Route 28, West Harwich

Mr. MacAskill moved that they approve the Phoenix Park, Inc. DBA Cape Cod Irish Pub– Lodging House - Seasonal Renewal – 126 Route 28, West Harwich. Seconded by Mr. McManus. All in favor, motion carried by unanimous vote.

- O. Vote to approve - Phoenix Park, Inc. DBA Cape Cod Irish Pub - Weekday Entertainment License – Seasonal Renewal - Recorded or Live Music with amplification system and dancing 7PM – 1AM -- 126 Route 28, West Harwich

Mr. MacAskill moved that they approve the Phoenix Park, Inc. DBA Cape Cod Irish Pub - Weekday Entertainment License – Seasonal Renewal - Recorded or Live Music with amplification system and dancing 7PM – 1AM, at 126 Route 28, West Harwich. Seconded by Mr. McManus.

Mr. Powers explained that the Board had directed him back in February, to be mindful of entertainment licenses going beyond midnight. Ms. Lisa O'Neill, owner of the Irish Pub, is on the call and wishes to speak to this. The staff recommendation would be to approve from 7:00 pm to midnight, to be consistent with other areas, and what has been done previously tonight. Ms. O'Neill would like to speak to plead their case.

Ms. O'Neill stated that Brendan O'Reilly is there with her, along with her husband Dan O'Neill. She explained that they were surprised that their seasonal license was cut back to 12:00 am. If you know the Irish Pub, most of their business is done between 10:00 pm and 12:30 am. So, cutting back and having the band stop at midnight, was financially detrimental. Mr.

O'Reilly further explained, that they have had the license for quite some time and is it is necessary to stay to 1:00 am. Once you stop the band, the people leave. In terms of protocol, they have a very stringent way of shutting that place down. For years and years and years, they have been in control of it. This is the mainstay of their income.

Ms. O'Neill said that they are trained and certified, and they take it very seriously. They staff the parking lot and they do consider all of these things. They work very hard to keep it.

Mr. Howell asked when the last time was that they had a complaint about the Irish Pub. No one could remember one. Mr. MacAskill said that when they talked about the noise complaints, it was Harwich Port and the neighbors at what was the Claddagh. They have never had that issue here. He appreciates Mr. Powers keeping things consistent, but they have never sat and debated this and he would support this license being till 1:00 am.

Mr. Powers said that the only reason he proceeded the way he did is when they discussed the license for the Seal Pub back in January and February, statements were made to be consistent. He thinks they will likely get a pretty quick appeal for their license. Mr. MacAskill responded that he thinks that would be a great argument but at that time the business had changed hands, and they changed the usage of the building. He stands by the decision for that business. However, this business has been around for 40 years. There are no complaints, there is no change to the use, and he does not believe that right now they should just arbitrarily change it. If it sells, then maybe they look to change it, to make it consistent.

Mr. McManas said in history, there was a time when neighbors complained about noise from there. However, the owners analyzed their facility and made huge investments to keep the noise contained. They have been doing so successfully.

Mr. Ford said he agrees with Mr. MacAskill and Mr. McManus's comments. He thinks they should support it. Mr. Ballantine said he thanks Mr. Powers for his efforts and trying to follow their directives. Mr. Powers said that whatever the Board does, he will support.

All in favor, motion carried by unanimous vote.

- P. Vote to approve - Phoenix Park, Inc. DBA Cape Cod Irish Pub - Sunday Entertainment License – Seasonal Renewal Recorded or Live Music with dancing 7PM – 1AM -- 126 Route 28, West Harwich

Mr. MacAskill moved that they approve the Phoenix Park, Inc. DBA Cape Cod Irish Pub - Sunday Entertainment License – Seasonal Renewal Recorded or Live Music with dancing 7PM – 1AM -- 126 Route 28, West Harwich. Seconded by Mr. Ford. All in favor, motion carried by unanimous vote.

- Q. Vote to approve – Port Restaurant and Bar Inc. - Sunday Entertainment License – Renewal 10AM12AM inside and 10AM – 10PM outside - 541 Route 28, Harwich Port

Mr. MacAskill moved that they approve the Port Restaurant and Bar Inc. - Sunday Entertainment License – Renewal 10AM - 12AM inside, and 10AM – 10PM outside - 541 Route 28, Harwich Port. Seconded by Mr. McManus. All in favor, motion carried by unanimous vote.

- R. Vote to approve –Windsong Antique’s Inc. – Junk Dealer – Seasonal Renewal - 364 Route 28, Harwich Port

Mr. MacAskill moved that they approve the Windsong Antique’s Inc. – Junk Dealer – Renewal - 364 Route 28, Harwich Port. Seconded by Mr. McManus.

Mr. Howell made note that this was not a seasonal renewal but a year round renewal. Mr. MacAskill adjusted the motion.

All in favor, motion carried by unanimous vote.

- S. Discussion and review of FY 2020 Revenue and FY 2021 Forecast - Carol

Mr. Powers said that he would turn this over to Ms. Carol Coppola, Finance Director, for the review of FY 2020 revenue and FY 2021 forecast.

Ms. Coppola said that they have a lot of numbers to review. She has prepared some documentation for them, with actual results through the end of May for this year, and then an estimation for June for revenues and expenditures. It

is just for the operating budget for the general fund. This shows a potential estimated surplus of revenue just over \$500,000. The golf revenues have started coming in very strong, disposable revenues are strong, tax receipts for real estate and personal property for the fourth quarter are as strong as they were last year. That's not what there were anticipating originally. The areas they are seeing a reduction in revenue is with the hotel and motel tax, meals tax and motor vehicles. For FY 20 they are definitely projecting a surplus in revenue. Ms. Coppola paused for questions.

Mr. McManus had a question on the sheet that she gave them from June 11th on the first page. What he can see, it says 2019 budget, but he was having trouble seeing the whole page. Ms. Coppola read through the departmental revenues. Mr. Ballantine said to summarize, that she is estimating for FY 2020, that they will have a surplus of \$500,000 going into FY 2021. Ms. Coppola confirmed that it will be a surplus, in revenues.

Ms. Coppola continued, stating that the departments have come to the table to adhere to their essential only spending requirements. They did not know how much this pandemic was going to cost them for funding sources, the Board of Selectmen froze the budget based on the recommendation. They have funding sources that come to the table and departments have really held off on spending. She has an expenditure report through the period of May 31st, with estimations of spending through June. This is still early estimations and based on the current state of the spending freeze, they are looking at just over \$2.1 million in surplus of expenditures. It is listed by department.

Mr. Howell commented that anything that does not get appropriated, or expended this year, winds up becoming free cash for next year. Nothing has changed in their thinking, of the cliff they would go off. This is the result of them slamming the brakes on to staff, to not do anything unless they absolutely had to and the hiring freeze. They brought together the Department Heads and asked for cooperation and discussions about where to find money to operate. It'll be very important for them to have that free cash. This is not a time to let off on saving money for the Town.

Mr. MacAskill thinks they did not impose the freeze, but thanks the Department Heads for not spending, they did an outstanding job. Also, Ms. Coppola's direction was great, and Mr. Powers' direction was great. Mr. Ballantine said, if you look at the sheet every department has spent less in their budget. Which is all they can ask for in preparation for next year.

Moving onto next year, and the 1/12 budget. Ms. Coppola explained that she has attended numerous webinars and numerous conversations with the Department of Revenue, with regard to the 1/12 budget. The 1/12 budget is basically a monthly spending plan. That monthly spending plan has to be the FY 20 amount raised on the tax recap, with a very minor changes, divided by 12. The monthly spending plan has to be at least that amount.

She worked with all departments in the Town to come up with the FY 21 overall 1/12 budget for the entire year. Then she analyzed the spending that happened in July, August, September and October for FY 19 and FY 20.

They know FY 20, the summer of FY 20, was not quite normal either, with the tornado that happen. So, she used both years to make the estimation. They do have a significant deficit with regard to revenue, of just over \$2.2 million. That deficit is in the area of hotel and motel, meals tax, and motor vehicle. She does think that folks will pay their taxes, it was very strong this year with 98% collected, last week. She expects that to go stronger, as the Board has allowed folks to wave interest and penalties through June 29th. She expects to see some strong revenues coming in through the end of the month. The beach sticker sales are very busy, as well is disposal.

Also, the other disposal revenue in their area is commercial MSW and commercial C&D, which are strong, very strong. The golf course continues to open and they will see green fees coming in. She has pulled back on her early estimation of where they would be with golf for FY 2021. The areas where they will have some challenges, maybe some discussions, and maybe some changes, is in the estimation of revenue for the areas that she highlighted. In addition to that, she really backed down on investment revenue, because she does not know where the market will be.

She gave them a very early calculation, and this has already changed on the 1/12 budget. It was revised on Friday, to include October, in case something happens in September. She had reached out to the Department of Revenue, shared the format with them, and got some feedback today. So, there is a revised need to budget for the four months. She does not expect them to vote on this tonight, but wanted to provide them with some early numbers. This is new to everybody, even the people at the Department of Revenue.

Mr. Ballantine asked what kind of update she gets to change the figures? Ms. Coppola said the last update they received was Last Friday morning, which was the subtraction of free cash, from the amount that was voted on the 2020 tax recap. So, the only amount they could remove from this calculation was the free cash that was appropriated for FY 19, and that would have been snow and ice. Originally they were thinking that all of the free cash would have been removed from the calculation that was not correct. That was the most important information she received. When she was analyzing a month and she could not get to 1/12, of the FY 20 amount that was calculated, she put it in the finance committee reserve. Today she heard from the Department of Revenue, that they would prefer to have it in an elected board line, instead of a committee, that was not elected by the general public. Those were the most important changes.

Mr. Ballantine said that by looking at what she handed out, under the expenses for July, it shows \$123,280 and under August, \$193,280, and then it repeats itself. He asked why it varies and is not constant? Ms. Coppola explained, that they have some expenses they expend one-time per year, or multiple times per year, such as regional school district assessments. So, when they are analyzing, it shouldn't account for those items. Mr. Ballantine said that this is not as simple as just dividing the annual budget by 12, she is taking into account specific numbers as well.

Ms. Coppola said she has analyzed the four months a spending, over the past two years, to find one-time items that were expended historically; such as Barnstable County Retirement, which is due in July. If they don't pay it in July, they have to pay interest. So, that was included in the July column for the monthly spending plan. Also, property and liability insurance is also paid in July, because they receive a significant reduction or credit, and that is made on an annual basis.

Mr. McManus asked in the top section under the general government section, salaries and wages are consistent across, capital outlay are consistent across. He would like to know why is there a \$70,000 added expense every month? Ms. Coppola said that she does not have it in front of her, but can get it for them for next week.

Mr. Ford said that they all knew it was going to be a complex effort in order to do the 1/12, and this is a very good analysis. He thanked Ms. Coppola and everyone that helped to put this together. He knows every month they will

have to be reviewing this, continually, to make sure they are doing this correctly, in conjunction with what the State wants them to do.

Mr. Howell said that he just wants to make sure that everything is covered. So far this year, in Administration, they were carrying a Town Administrator's salary, for someone who was not there. Mr. Powers has been filling in for eight months, at his lower rate. Someday, they are going to actually have an administrative office with full capacity. He asked if that was reflective in there; with the pay scales commensurate with the positions they were occupying. Ms. Coppola said that is correct, she listened to their meeting, in regards that the pay range for the Town Administrator position, and she used that figure for completing the administrative portion for the FY 2021 budget. She also included the appropriate salaries for all of the other staff members.

Mr. Ballantine asked if she'd be updating these on the four month cycle, monthly now until they have determined a budget. Ms. Coppola responded that she is hoping next week, to provide July's. Then the Boards early meeting in July, to be able provide the other three months, which are not likely to change very much. Then they can get those approved from the Department of Revenue, just so a plan is in place. But they can certainly take it on a month by month basis, if that is what they prefer. Mr. Ballantine said hopefully they will be having the September meeting, so they will have a budget that point.

T. Discussion and possible vote – proposal to rescind the current hiring and spending freezes for FY 2020.

Mr. Powers said that this again is for the Finance Director. He knows that the Finance Director and the Chairman had an email exchange to review the recommendation to rescind the current hiring and spending freezes for FY 2020.

Ms. Coppola said that as she mentioned before, the Department Heads have done a fantastic job with hunkering down and not spending anything that was not essential. Though, they are in great need of office supplies and making some repairs and the departments need some relief at this point in time. She thinks it would be prudent to allow them the ability to provide some services or supplies to the departments.

Mr. MacAskill stated that he feels the need to see a request, he is not comfortable with rescinding anything without an idea of exactly what they are talking about. He is certainly sympathetic to the Department Heads, and the departments. However, the Board needs to be very aware of the very deep hole they are about to face, and they made the commitment to try to not lose any bodies. So, he think the freezes should stay, but he would entertain them looking at a memo from a department stating what they need and what the cost would be.

Mr. Ballantine said he does not have a problem with that, as long as they don't stop them from doing the smart thing.

Ms. Coppola asked to add a comment, that the Department Heads have been contacting her, and Mr. Powers, when they have a real compelling need to purchase something. If they can provide such a compelling argument, she has said yes, to go ahead. This has been the case, if it is a safety issue, or a matter in which the town asset would be harmed, by not making a repair or making a purchase. Though these cases have been minimal. Personally, she thinks they can manage it internally, unless the Board wants to be involved, because they have been managing it very well.

Mr. Howell stated this is not a disparagement to Ms. Coppola or to Mr. Powers, but this is a policy, and it was not delegated to anybody. He agrees with Mr. MacAskill, if they are going to be doing this, they need to have a specific request brought in front of them. Unless it's a public safety concern, or it is going to ruin some other asset, otherwise they will have a cliff that they will be going over next year. They are the ones that are going to take the responsibility for making sure the town operates. So, they should be involved in every decision that loosens up what they already voted on.

Mr. Ballantine asked Ms. Coppola to package up those requests and to keep them informed, so they can approve those going forward then.

Mr. MacAskill said that he did not want to delay anybody, but why can't they have a weekly line item with purchase request in their packet? He does not want to micromanage either, and maybe there is a system that Ms. Coppola and Mr. Powers can come up with, based on an amount that the Board can approve. Mr. McManus said he does not want to sit there and go through purchase order requests for three reams of copy paper etc. That is not the level that they have been elected to oversee.

Mr. Powers added to what Ms. Coppola said, that when they had the virtual remote meeting, the Board directed them, and Ms. Eldredge, to make determinations as to if it was essential, and that is how they have been doing it. He has concern with rescinding either of these freezes. Though, he feels comfortable that they have a process in place and they have a Department Head meeting in place for Wednesday, so, they can reach out to staff and let them know that they can start ramping up on less than essential purchases for consideration. So, it ties into what they have been doing and it does not unnecessarily burden the Board. The second part of that is the hiring freeze removal, which he thinks has far greater implications.

Mr. MacAskill is fine with Mr. Powers and Ms. Coppola ramping up some of this, as long as they are very essential purchases. Mr. McManus said in regards to the hiring that they have to 14 days to not approve it. So, they have the ability to stop it from happening.

Mr. Howell said that this is not a discussion they started tonight, they voted to impose both of those freezes. So, if they lighten up, it should be based on what they want to see happen.

Mr. Ballantine recapped that where they are at is that Mr. Powers and Ms. Coppola are following through on the expense side, and their position has not changed for the hiring.

Mr. MacAskill asked about the hiring and if there were essential positions that they were looking to fill? Mr. Powers said that he discussed with staff what positions are essential. The only one that immediately comes to mind is dispatch. Whoever they may bring in, at this point, would not start until after July 1st.

Mr. Ford said that if the various departments have thoughts on hiring that they want them to hear, they would be more than willing to entertain it, but in the meantime they have the freeze on. There is no reason that a Department Head cannot go to Mr. Powers and say that they really need someone, this is why, and the Board would consider it.

Mr. MacAskill said that since Mr. Powers brought up dispatch, he asked for it before and he will ask again, that he would like to understand where they are with overtime related to dispatch. When it was brought up before, the

Chief did not think that they needed a dispatcher at the time and made a compelling case as to why not. The difference between a Patrolman going in and covering dispatch, versus hiring a dispatcher, is quite a difference. If they are not and paying overtime rate to have a patrolman there, and that is the number he asked to see before. He would like to see where they are at.

U. Discussion -Interim Town Administrator,
workload/prioritization/communication steps

Mr. Ballantine said he added this to the agenda and does not really see a big discussion on it. He has received some feedback on communication and he and Mr. Powers have discussed it, and to think about how they are communicating with residents and updating department heads.

Mr. Howell said he feels compelled to say that there is not a full office down there. They have one Acting Town Administrator, interim, another guy that is there two days a week and two new staff members. It is not the same as it was last year. Though, the response time has been better this year, even from when all of those people were there.

Mr. MacAskill said he agrees with Mr. Howell, as far as the newness down there, but at some point the job as the Town Administrator is to run the town. The board elected to put a two day a week person in that office, Mr. Powers decided on one of the staff and the other came with it. Though, he is completely confused with who works for the Board of Selectmen. He has asked about the roles of the support staff within the Administration office and the difficulties in getting a response. Where does he go to get his answers?

Mr. Powers clarified that he has not hired anyone in the department. Ms. Delaney was hired as a temp, and is still a temp. It was a position that was open and it has not been filled. It was decided by the Board, to include that position in the hiring freeze. With the exception of Mr. Robert Lawton, who he did recommend to the Board. Mr. Lawton two days is as good as anyone full time, but he is still limited with only two days. There is no directive to the staff to ignore the Board of Selectmen, in any way shape or form, and he would speak as their past HR Director, that the roles that are down there are as Executive Assistant to the Town Administrator and the Board of Selectmen. He does not want to get into a discussion on employee work habits, because they would be denied their rights to defend themselves. But,

the positions are Executive Assistant to the Town Administrator and the Board of Selectmen. The temporary assistant was meant to cover for the support staff supervisor, and working on trying to correct what he thinks are errors in the operational structure.

Mr. MacAskill thanked Mr. Powers for the clarification and said that changing from the part-time temporary assistant to the full-time temporary assistant was his decision. Which they absolutely needed to do, but it was his decision. Mr. Powers said it was approved by the Board. Mr. MacAskill added, to Mr. Howell's point of being understaffed, he has gotten a fair amount of complaints from residents that they are not hearing back. Though he acknowledged that Mr. Powers likely does not have the time, but asked, who can? Is there someone that can get back to people in a more reasonable time?

Mr. Powers said that he loathed having this conversation in this manner. Though explained that this has been a difficult time, with the daily reactions to the day and having items that divert his attention.

They are working in a state of emergency and a pandemic, and no one wants to return to normal more than he does. When you have a situation like a pop-up testing center that could affect more than 1,500 people during the middle of the week and it is directly in front of the harbor that took up 2/3rds of his day today. In the past few weeks he has dealt with the pop-up, a protest, and the pandemic. None of those were scheduled and the pandemic changes every day. There has to be an understanding that there is not a willful intent to not communicate, on the contrary, he is trying to communicate as much as he can.

Mr. MacAskill said just to clarify, before it shows up on social media as an attack that he was only asking, and asking the Board, because the list says prioritization; is there somebody else that can do some of this, because Mr. Powers is doing a ton. Is there someone else in the building that may not be working full time, that can get into some of this, that is his question.

Mr. Ballantine said that needs a further conversation, but are there delegations in other departments that can happen? The Governor takes a top priority, but they need to be sure to come back to Town business, moving ahead. He also added that since he has been involved with Harwich town government, the admins downstairs reported to the Town Administrator, but

answered the Board's questions. He knows that Mr. Powers steps in sometimes to make sure things are being answered correctly, unfortunately with the lack of experience, but they are working hard.

Mr. Howell stated that he believed that Mr. Powers was being very gracious here and asked about the schedule for the Interim Assistant Town Administrator. Mr. Powers confirmed that Mr. Lawton works on Mondays and Wednesdays, though he believes he does far more work beyond that. Mr. Howell said he was just saying that no matter how smart, how good or how motivated somebody is, if they are not there they are not answering questions. Which is really what precipitated this discussion. He does not want the public to misunderstand, it is not like they have untapped capacity in the office.

Mr. Ballantine said he hesitated to put this on because he did not want it to turn negative, but he does not think it has. There is a tremendous amount of work and he always wants to be sure they are moving forward in getting the job done.

Mr. Ford said the Interim Town Administrator or the Town Administrator position clearly reports to the Board of Elected Officials. If he was to be in that position, he would want to know who was saying what to the elected officials. It does not mean that they can slow down every ounce of communication and he agrees they need to get responses. They have all these crises swirling around their heads and hopefully they will get back to normal at some point. But, they should understand that a good Town Administrator should be able to know what is being said, what answers are being given, what guidance is being given to the Selectmen on any issue, no matter what it is. This is because he is going to be called to the floor on everything. This is just a running commentary but an important component and what they all need to understand as they continue to make a decision about who is going to lead this town.

Mr. Ballantine said this conversation was meant to be a checkpoint, and he feels they have done that.

Mr. McManus added that his request to staff, have been for information, such as copies minutes. He is not looking to them for opinions or comments, more to them as the keepers of files and documents. Those kinds of requests should not be bogging down the Town Administrator or the Assistant Town Administrator.

OLD BUSINESS

A. Update --Expansion of Outdoor Services

Mr. Powers provided an update on the expansion of outdoor services. He said that nothing has changed as of today, with regard to the three establishments which are not highlighted on the *Town of Harwich - Expansion of Outdoor Services* form provided in the packet. The point from last week was that 14 establishments had expanded outdoor service, and in some cases expanded outdoor alcohol service, within two business days. Again, he thanked staff and everybody for their patience.

Lieutenant Tyldesly reported that they had one person looking to speak at this time. Ms. Carol Porter. Ms. Porter introduced herself as a resident of Harwich Port, and began by thanking everyone for the great job they are doing.

She stated that she is a resident of Harwich and someone who just wants to park safely, so that she can shop and dine in Harwich Port. She saw on the news this week that Lieutenant Governor Polito said that the State is offering grants to municipalities; to improve sidewalks, streets, and parking lots, to allow businesses to continue to do their business during these restrictions. She is wondering if Harwich was going to make use of this offer. She added that they could use increased parking, particularly in Harwich Port. She cannot park safely with her grandkids and go to the store, because the parking lots are full. She was wondering with the grant, if it would allow them to somehow do something?

Mr. Powers thanked her for bringing this up. He has participated in a weekly call on Tuesdays, with the Lieutenant Governor, and two weeks ago she referred to the program, which is along the lines, of safer streets. Re-examining how they use the streets, sidewalks and everything else, in relation to the pandemic. So, they have that material and himself and staff are still going through it. There is a follow-up call tomorrow with the Lieutenant Governor, to get more information. They are aware those they have not gone into a full-bore yet but they should in very short order.

CONTRACTS

- A. Discussion and possible vote – Bid award to Sprague Operating Resources, LLC for Gasoline, Diesel Fuel and Healing Oil

Mr. MacAskill moved that they approve the Bid award to Sprague Operating Resources, LLC for Gasoline, Diesel Fuel and Healing Oil. Seconded by Mr. McManus.

Mr. MacAskill just wanted to point out to the public that this is a \$150,000 estimated savings to the Town this year, in fuel costs.

All in favor, motion carried by unanimous vote.

- B. Discussion and possible vote – Harwich Phase 2 Contract 1 (RBO) Sewer Construction Project – RFI 24/Request for Change - \$2,695.87

Mr. MacAskill moved that they approve the Harwich Phase 2 Contract 1 (RBO) Sewer Construction Project – RFI 24/Request for Change - \$2,695.87. Seconded by Mr. McManus.

Mr. Ballantine explained that this was a change, to allow water service in East Harwich, on Church Street and Route 137, to avoid some of the cut-offs they were planning on doing. This was stopped when everyone was staying home, and now they will continue it. Mr. MacAskill said that it is paid for out of the 5% contingency that was voted on, and there is approximately \$435,000 in that account.

All in favor, motion carried by unanimous vote.

- C. Discussion and possible vote – Bid Award for Printing of Tax and all other Town Bills

Mr. MacAskill moved that they approve the Bid Award for Printing of Tax and all other Town Bills. Seconded by Mr. McManus.

Mr. MacAskill would like to know how it was done the past and why they are doing to this now? He also asked what the cost is of doing it in-house, if that is what they had been doing the past?

Mr. Ballantine said he thinks it has always been contracted out and asked Mr. Powers or Ms. Coppola to respond.

Ms. Coppola confirmed that this has always been contracted out. However, she noticed this year that they have never gone out to bid on it, which is a requirement. So they went out to bid on it. They prepared the RFP, sent it out to potential bidders and received two responses. The lowest response was from our current vendor, so that is why it is on the agenda for you this evening.

Mr. MacAskill asked what the cost differences were between this contractor and what was done in the past. Carol said she believes is the same cost, no difference it's just that they wanted to comply with procurement laws.

All in favor, motion carried by unanimous vote.

D. Discussion and possible vote – Coastal Engineering Contract for annual required operation and maintenance of the Bioclere Treatment System at the Harwich Elementary School and the Cultural Center - \$26,760.00

Mr. MacAskill moved that they approve the Coastal Engineering Contract for annual required operation and maintenance of the Bioclere Treatment System at the Harwich Elementary School and the Cultural Center - \$26,760.00, and direct the Chair to sign. Seconded by Mr. McManus.

Mr. MacAskill explained that they went through this pretty extensively with the Middle School Repurpose Committee and they are required to pay half of this contract.

The only question is that this seems like an auto renew, and have they thought about going out to bid? Just to point out to the general public, this is roughly a \$53,000 contract. The Town of Harwich's portion is the \$26,760, and the school would pay the same. So, with the \$53,000 contract, would they go out to bid on this and if not, why not?

Mr. Powers will have to pull out the paperwork on it, and they all agreed it was worth looking into. At this time, it is a requirement and does need to be voted on tonight.

All in favor, motion carried by unanimous vote.

E. Discussion and possible vote – Computer equipment purchase agreement between the Town of Harwich and HUB Technical Services, LLC - \$65,559.30

Mr. MacAskill moved that they approve the Computer equipment purchase agreement between the Town of Harwich and HUB Technical Services, LLC for \$65,559.30. Seconded by Mr. Howell.

Mr. Ballantine asked if this was discussed last week. Mr. Powers said he referred to in the past and more specifically tonight under the Technology Task Force, and also in the occupancy capacity. When he established the Technology Task Force, they weren't made aware yet of the CARES Act reimbursement funds. He recognizes, in discussion with staff, that it has been confirmed, and as well as they responded, they were not prepared, as many places were not prepared, for this sort of item and the remoteness of it. They put together laptops but they did not have a sufficient amount for everybody. So, they did have work issues because people could not get in to work.

He asked Lieutenant Tyldesly and Mr. Foster Banford, IT Director, to look into the concept under the CARES Act, which is accelerated telework capacity. The reason why it is covered by some degree for reimbursement, he believes, which is about \$.25 cents on the dollar, is because there is a recognition by the Federal Government in the state that telework capacity is going to be increasing. Not just because of the pandemic and future waves but it is the wave of the future.

For this proposal, Lieutenant Tyldesly and Mr. Banford worked with HUB Technical Services, LLC to identify the number of laptops that can be disseminated to Department Heads. Also, with all Department Heads having the same materials and applications, which is not the case now.

This will allow us to have everyone on the same system, at the same time, and then with that to also be of the expansion of the online capabilities. Such as; online ordering, online permitting, online document management, and online document storage. All of which they need to successfully work remotely; in part or in whole. It is a big ask, but he does recommend the Board's approval on this process, and if this was approved, they would seek reimbursement through the CARES Act.

Mr. MacAskill said this is listed as one of the items that is reimbursable, correct? Mr. Powers said that is correct. They do not anticipate FEMA to match it, but they will not know until they request it. So it is possible to have full reimbursement that other part would be through FEMA and right now they have given no indication if they would approve this kind of purchase.

Mr. MacAskill asked, given the work load now and the re-phasing staff back in, is this purchase to completely fill in so everyone can work remotely or is it based on where we're going to be with phased in staff? Mr. Powers replied that right now this would be that every Department Head would have one. Also, the departments that he and Ms. Eldredge have reviewed for occupancy issues, where they just do not have a place for them, have been accounted for to have additional laptops. These would be a laptop with docking stations, so that where ever the employee is, they get the same connectivity.

Mr. MacAskill asked, start to finish, how quickly can this be up and running. Mr. Powers deferred to Lieutenant Tyldesly.

Lieutenant Tyldesly explained that they are working with HUB Technical Services, LLC, the company that was approved to be the IT support, and they are very happy to engage in this with us. They would not necessarily commit, as some of it depends on their ability to work with them to schedule people's desktops to be available to convert. They threw out the date of July 1st, which may not be doable, but he believes within five-weeks they can get this done.

All in favor, motion carried by unanimous vote.

TOWN ADMINISTRATOR'S REPORTS

A. Anchor donation from the Davis Family

Mr. Powers explain that he followed-up after the meeting with staff. He got some background information, and there are some complications to the process. Which they can get into now, or they can bring it back for full discussion. Mr. Ballantine suggested they bring it back for a full discussion.

Mr. Ford asked if this was the request from the communication they received from Matthew Sufferin, with the intent for the Davis family to donate it to the

Town, to put it in the small park overlooking Wychmere Harbor. He asked if it is was an issue with moving it, or with cost. He knows they have offered to restore some of it, as well.

Mr. Powers said there were some concerns for restoring it, but the greater concern is that staff came across the deed for that property of land, and that sort of use is prohibited. Mr. Ford asked if the Davis family donated that land to the town. Mr. Powers said that when staff reviewed it, they came across the deed which indicates that, *the grantee shall never permit a building, structure, docks, markers or monuments, except the monument presently being erected by the grantor, to be erected or moved onto said premises nor shall any concession or other commercial enterprise be permitted to operate thereon.*

Mr. Ford asked if it was the Davis Family that gave the land. He knows it was Dave Davis', when he passed away, it was his desire to donate the land. Mr. Powers said that it was Eloise B Larsen that donated the land, upon which the anchor is looking to be placed. So the overall update, is that they are working on it and there's more information. Mr. Powers also shared that his experience with another community, where by the town could take an effort to change that part of the deed.

Mr. MacAskill asked if this has been communicated back to Mr. Sufferin? Mr. Powers said that had not yet, but he certainly will.

SELECTMEN'S REPORT

Mr. Howell said that the Chair knows how he feels about this, but the rest the board does not, so he is going to say it out loud. They have been requested by the Chair to fill out the evaluation form for the Interim Town Administrator as the Assistant Town Administrator. Given the fact that for more than half of the year, he has been occupying the position higher than that, with no commensurate salary increase and the job duties are far greater than what he was hired to do. He finds it almost insulting, and he is not going to fill out a job evaluation for a job somebody is not filling.

Mr. Ballantine said his purpose for sending this out is to give a baseline, and to include the review of Interim Town Administrator. The first year contract ended May 20, so they are a few weeks behind of acting on that. Normal procedure would

be to give a review which would've been done by the Town Administrator. Of course he is filling both roles right now. We need to consider as a Board, if they want to consider an increase, a step increase in salary which would also be a normal procedure. It was not meant to insult anyone, simply a baseline to get us started. They are going through a selection process for a Town Administrator, but they need a way to move ahead on the existing position as well. Mr. Howell responded that Mr. Powers is getting paid less than nearly all of the other Department Heads and there is a possibility that he may not be selected for the job. So, he is not going to hamper his future by evaluating him, he would have to get 6 out of 5. Based on the fact that he's acting as the person who would be the boss for the job they would be evaluating him on. Mr. Ballantine said he's making it more complex than his intention. His intention is to move ahead on the position as it is now, to make sure they are treating him fairly, before it moves to the next one.

Mr. MacAskill said the he has no problem with it and he'll get his done. He sees it differently than Mr. Howell does. They should give him a six month evaluation and extra points for taking on extra duties. Which by the way is in his contract as the Assistant, that they take over as acting in the absence of the Town Administrator.

Mr. Ford said, just quickly, on the Elementary School question that they are going to engage in with the Town of Chatham. Mr. Powers, and himself, will be meeting tomorrow at 1:00 pm to open the conversation with the Town Manager. He believes that a Selectmen, a School Committee Rep and Superintendent, will also be in attendance.

ADJOURNMENT

Mr. MacAskill moved that they adjourn at 9:12 pm. Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

Respectfully submitted,

Lisa Schwab
Administrative Assistant