

**APPROVED**

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

**Monday, June 22, 2020  
6:30 P.M.**



**RELEASED**

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

**ALSO PARTICIPATING:** Interim Town Administrator Joseph Powers and 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 6:00 pm for an Executive Session.

In Executive Session, they discussed three items. The first was with respect to the collective bargaining for Harwich Employees Association and the Highways and Maintenance Employees Association, and if an open meeting would have a detrimental effect on the town's bargaining position. The second was with respect to collective bargaining for all town unions and if an open session would have a detrimental effect on the town's bargaining position. The third item was to conduct a strategy sessions for contract negotiations for nonunion personnel, namely the Finance Director, the Fire Chief-elect and the Police Chief. These topics will be continued for the next several meetings.

**WEEKLY BRIEFING**

**A. Covid-19 Updates**

Mr. Powers began that there was quite a bit of activity to update them on, especially with the pop-up testing that happened last week and the Governor's announcement that they are now in Phase II, Step 2. This allows for indoor food service at restaurants.

**1. Restroom Cleaning Contract**

Mr. Powers said that he had late breaking news, and explained that as they may recall, he had asked the Board to consider giving him the authority to sign emergency contracts. For cases if it occurred before a Board meeting, or if was not able to come before the Board. He is bringing this up now, because he asked Mr. Lincoln Hooper, DPW Director, to be on the call and he is limited on time.

As they know, the Town went out through the State Government to try and locate janitorial/custodial services, specifically for the purpose of disinfection of the beach bathrooms. They have all heard complaints that the bathrooms are not open, and that is because they have not had the staff or vendor in place. Mr. Powers said that there are two things, first he believes they could open the restrooms as early as tomorrow, June 23<sup>rd</sup>, and that is with regular cleaning. Also, they are in a position to have disinfection cleaning as early as Saturday, June 27<sup>th</sup>, if the Board has a consensus on the contract.

This morning Mr. Robert Lawton, Interim Assistant Town Administrator and Griffin Ryder, Town Engineer, went through the bids that were received for the Comfort Station Janitorial Services. There was one bid received, but the Town requested more than 10 solicitations. So, given the dollar amounts in question, they have met the requirements for procurement; meaning, they sought three quotes and received at least one. It is a two-fold bid, meaning the Town asked them to provide a quote based on disinfection cleaning twice daily, versus disinfection cleaning three times a day. The gold standard, as Ms. Eldredge will explain, is the three times a day. If they are willing to accept their bid, they can decide on \$88,574 for two cleanings per day, or \$118,246 for three cleanings per day. The timeframe for this is June 27<sup>th</sup> through the Columbus Day weekend.

So, they are looking to execute a contract with this vendor. It is nothing that would have come before the Board, for the board to vet, given the dollar amount. He does have materials available and staff present to answer questions.

Mr. Powers also said that Mr. Hooper had devised a plan and was able to identify staff that could do a once-a-day cleaning, for this week. Also, if the Board simply wanted to do once a day, which is not his recommendation. They do have staff that could do it, with minimal

overtime. There is a range of options that he could go through. The lowest being \$40,000, if the town does it, and then all the way up to the \$118,246, for the vendor to do it three times a day. The latter being the gold standard, and meeting the CDC requirements for cleaning and disinfecting areas, to diminish the risk of COVID-19.

Mr. Howell asked for a clarification, though he thinks he knows the answer. If they do the three times a day, is that CARES Act eligible for reimbursement? Mr. Powers responded that they know a portion of it is CARES Act eligible, though they did not ever conceive or anticipate disinfecting. They would certainly put in the argument for CARES Act funding, for disinfecting. They likely stand a better chance at reimbursement going through a vendor, then staff, but certainly either is a possibility.

Mr. MacAskill also asked for clarification of going from one time a day to three times a day, and asked where the staff that cleaned the restrooms last year, would be reallocated to? Mr. Powers said he would try to respond, but Mr. Hooper is on the call. He stated that the staff that could do it this year, are not the same staff as last year. One individual is returning, the other is not comfortable doing this level of cleaning. Mr. Hooper added that he has made some provisions to shuffle people around. They had one employee that was not interested due to the COVID-19 threats, but they made some other provisions. He probably can get to the same level, that they did last year, but certainly not to the level of three times a day for disinfecting that is recommended by the State.

Mr. MacAskill again asked for clarification as to what his staff would be doing, if they awarded the contract to the vendor. He was also looking for what the difference would be with the \$40,000 versus \$118,246 costs?

Mr. Hooper responded that he is not sure that it is a comparison. What he said that the staff could do, is a one time a day disinfectant, and what is at the lower end of the contract, would be the vendor cleaning two times a day, with the disinfecting. The \$118,246, is a three times a day. So, what he could get together is simply one cleaning per day, at the same level they offered last year.

Mr. Ballantine said that there are a lot of bathrooms, from the beaches, Harbormaster, and Wychmere Harbor, and he asked if they are all treated the same. Mr. Hooper responded that the contract includes nine comfort stations, and only one public restroom was not included.

Mr. Powers said that Mr. Ryder was on the phone, as well, to help answer questions on the specifics they used for the bid. Mr. McManus asked which restroom was not included. Mr. Ryder responded it was the Brooks Park restroom that is not open yet. They are still waiting on the variance from the State for that one.

Mr. Ballantine asked what the risk factor is with the two times per day. Ms. Eldredge said she wanted to take a step back. She added that the difference from past years, is that the once a day cleaning did not include the disinfection step; which is COVID compliant. They need to protect their residents, and guests, by disinfecting at least daily. This is what the CDC says. She explained that she had spoken with Mr. Hooper, Mr. Libby and Mr. Beebe, about the bathroom usage. It was clear that there are four to five bathrooms that get to the point of needing the cleaning three times a day, in order to stay sanitary. There are a few bathrooms that are less used, that could get away with once a day. Though, the ones that are used so frequently, she doesn't think twice a day would be able to satisfy the safety that they need to provide. If they do need to go with the twice a day, rather than three times, she would still recommend the Town sends someone over, just to get trash in those restrooms that get such high use.

Mr. McManus asked Ms. Eldredge if she could explain the differences between what they call a cleaning and disinfecting. What is it that they do? Ms. Eldredge responded that the cleaning is done using household cleaners and soap and water to remove the dirt. The disinfection step will kill all of the germs, bacteria and viruses. In their previous cleaning, even though they would use a disinfectant, sometimes it wasn't left on long enough and it was not too done to the CDC in EPA standards. It takes more time. It is understandable that the staff could do a cleaning job, to get to all of the bathrooms. However, the disinfection step takes an extra 10 to 20 minutes per bathroom. It does just take more time and it is an additional chemical that disinfects to take away the bacteria and viruses.

Mr. McManus asked about the disinfectant and if they are talking about special equipment, special licensing, or certification, or is it just a heightened level of training with a different mop bucket of cleaning solutions. Ms. Eldridge responded exactly, it is a heightened level of training and different chemical use.

Mr. Ford asked if there has been any thought about the adjusting the bid to designate different amounts of cleanings for those that are used much more, and those that are used less. Mr. Powers asked Mr. Ryder to answer this question, to the level of specifications of the bid. Mr. Ryder responded that the 10 bathrooms were grouped together as one contract, for either the two cleanings per day, or three cleanings per day. Though, obviously it is a contract and they could negotiate with the bidder, to change those levels. However working with Mr. Hooper and Ms. Eldredge that is the way that they did it.

Mr. Ballantine asked they go back, and pick up the four that Ms. Eldredge mentioned, and fine-tune the bid? Mr. Ford added that if Ms. Eldredge is comfortable with some bathrooms receiving fewer cleanings, it could save a lot of money.

Mr. Howell said that he agrees with Mr. Ford, however he would like to know how long would it take to go back and renegotiate? People are using the "informal bathroom" behind the bathroom, according to things he has heard. Which is not a good idea.

Mr. Howell said that the timing would depend on the willingness of the Board. Again, the overall concept is the contract that they are desiring to have executed, ahead of opening of the beaches for the season. This is what staff vetted today, and they came up with four options.

1. The Town only, priced at about \$40,000. This is two staff members; one that does it during the week, and one on the weekend, with the town providing the supplies. That is about \$20,000 and a 1/3 of Mr. Hooper's overall supply budget.
2. The twice a day by the vendor, which would be \$88,500. That would be twice a day, every day, for all locations through October 12<sup>th</sup>.
3. The vendor option of \$88,500, plus staff, which is the least desirable option, but they vetted it.
4. Then of course the gold standard, with the vendor doing all three.

If the board will allow him to have a discussion with the vendor, to get to a contract by Saturday, they can probably come up with a number that's lower than \$88,500, but not down to \$40,000.

Mr. Ballantine said that he is comfortable with that, and added that he does not see a need to treat all bathrooms the same across town.

Mr. MacAskill agreed with Mr. Ballantine that he would be willing to approve a contract tonight subject to renegotiation. He said that based on what they heard, they do not have to treat all bathrooms the same. Now that they have an interested vendor, the Town Administrator should be able to go back to them and say these four bathrooms three times a day, and other ones maybe once a day or twice a day.

Mr. MacAskill said that this also goes back to his question that he asked Mr. Hooper. Since Mr. Hooper had scrambled to find someone for the cleaning, perhaps they could use that person to do the difference in the other bathrooms. So, if Mr. Powers hears what they are saying, he can go back to negotiate a better contract, concentrating on the ones that matter. He would be comfortable with that.

Mr. Powers stated that because this is not a topic that the Chair was reasonably able to anticipate, they can act on it tonight, but it will be recapped next week, as per the requirements of the open meeting law. Mr. Ballantine reiterated that this is an action, but they will confirm it next week. This will not hold anything up.

Mr. Howell seconded the motion.

Mr. McManus asked for clarification of the \$40,000 cost for the town staff to do it. He asked if that is what it would normally cost, in any given year. Is that what was spent last year?

Mr. Hooper responded no, that they are only counting about half. It is about \$20,000 on supplies, and \$20,000 on labor. This is not full time labor, there are no benefits. This is only June 26<sup>th</sup> to Columbus Day. Normally, they open the restrooms in April, so that would have two months added on to it. Mr. McManus asked again, based on the

timeframe, would it be about the same cost. Mr. Hooper said yes, that is a reasonable assumption.

Mr. McManus asked, setting up the case they do not get reimbursed and they are able to negotiate a contract at around \$70,000 to \$75,000, the marginal cost to the Town would only be about \$30,000, because they would be essentially already in for \$40,000.

Mr. MacAskill asked if the Town Administrator could provide them with an update on where they are at with beach sticker sales.

Mr. Ballantine said that his comment would be that he would like to throw this back to the discretion of Mr. Powers to work out the contract. Also, for him, to be mindful of where they are to have their best chance to get a reimbursement. He said that they have a motion and a second.

All in favor, motion carried by unanimous vote.

Mr. Powers wrapped up the topic to let the public know that the restrooms will be open by Tuesday June 23<sup>rd</sup>, and the level of care will get ramped up with service by Saturday, June 27<sup>th</sup>.

## 2. Pop-Up Testing

Mr. Powers reported on the pop-up testing that happened at Outer Cape Health Services. They were one of the 50 state wide pop-up testing sites. Ms. Patricia Nadle, Chief Executive Officer, Outer Cape Health Services, updated him by email and by all accounts, and all involved, it was a tremendous success.

They had been looking at 1,500 tests across the Outer Cape Health Services locations, and they ended up doing 1,255 tests in the Town of Harwich alone. He also wanted to draw their attention to the staff members that are listed in the email, especially Deputy Chief Kevin Considine, from the Police Department, who served as incident commander for both days. He was the one that drew up the operational plan and partnered with Outer Cape Health. Also, you can see our Health Director, Police Chief, Fire Chief, Deputy Police Chief, Deputy Fire Chief, Town Engineer, Harbormaster, DPW Director, and Health department staff. Everyone pulled together and it was a great job. It

will be interesting to see what sort of results those test yield, but every assurance was made that those 1,255 people, that participated, did not amount to a mass gathering. It was an excellent job by all.

### 3. Opening Town Hall

As a quick update, they have been striving to get the building open. They have the hand sanitizers in place, the plexiglass is in place and now all of the signage is in place. This will allow for him to be able to certify to the State that they are able to reopen.

They are looking to open Town Hall and other Town buildings by next Monday, June 27. They are just trying to finalize all of that this week and hoping to release, what will hopefully be the last COVID guidance document that he has to release, about buildings coming back online! Which is a great thing.

### 4. Governor's Announcements

The Governor came out on Friday with a couple of announcements. Such as, Phase II, Step 2, for restaurants, which also had identified changes in the occupancy. They are no longer at 25%, but are now at 50%. That means that they can now have 16 people from the general public in the building. They have also accounted for all of the offices in which they have occupancy issues. They will hopefully be rolling that out to the Board and then everyone else, later this week.

Mr. Ford asked about an announcement for restaurants to be able to open for indoor dining? Mr. Powers explained that is the Phase II, Step 2. Mr. Ford continued, so all of our restaurants will be able to open for indoor dining? Mr. Powers said, theoretically, they are able to open today, and in the packet you can see the guidance they are required to meet. It is similar information that was sent to restaurants previously. As they can see under, *Mandator Safety Standards*, the first line states, "When indoor table service is permitted". He said that Ms. Eldredge will be able to speak to this better than he can, as to what was sent out to the establishments. They also had an update from ABCC on that. With that he turned it over to Ms. Eldredge.



Ms. Eldredge said that the indoor dining is open today. It is pretty much the same as outdoor dining, as far as 6 feet apart for tables, and no more than six people per table. If they can put a plastic barrier between tables, then it can be closer than 6 feet, in between parties. They did not put an occupancy limit on the indoor dining and left it up to the establishment to see what they could fit, as far as placing people six feet apart, and a maximum of six people per table. The same rules apply for bars. There has been some confusion about bars, which has mostly been on the part of the public seeing people at bars, and thinking they are open. In most cases, establishments have been able to utilize an outdoor bar as a table. So, there is not a bartender or anybody serving drinks. Though they have been able to seat people at the bar, for table service.

Ms. Eldredge said that they have continued to get social distancing and mask complaints, about many establishments, and they are following up with them, as best they can.

They send an email with the complaint to the establishment with when it was and what the complaint entails. They usually get a response back from the establishment with an explanation. They are trying to educate as they go, and trying to get compliance with education rather than fines.

As Mr. Powers said, office spaces can now be at 50%, and some other parts of retail have been able to open as part of Phase II, Step 2. The Governor said that Phase III will be announced no earlier than July 6th. So, if they are getting questions on when that will happen there is not a hard answer, it is based on the data and it will be no earlier than July 6<sup>th</sup>. Phase III will allow for a lot more entertainment type activities. Though she wants to remind everyone, live entertainment is not allowed, indoors or outdoors, at this time.

Mr. Howell asked about the Governors guidance and if it separates with respect to a DJ, as opposed to live music.

Ms. Eldredge responded that they do not distinguish between recorded music and live music. They just say "Live Performances", so in her opinion, backgrounds music is one thing, but a DJ playing, or dance type of music, that is more like entertainment. Dancing is not allowed

right now. It is not a loudness level, it is an entertainment factor. Mr. Howell said that he is happy to get that out there. Ms. Eldredge said that anything that encourages people to congregate or gather is frowned upon anyway.

## 5. COVID Numbers update

Ms. Eldredge reported that Massachusetts is up at 107,210 cases and 7,874 deaths from COVID-19. Barnstable County is at 1,517 cases and 138 deaths. In Harwich, they did go up to 123, so, that is two new cases in the last seven days. Many of them have recovered. She received an update that all residents and staff at Wingate have recovered. So, they have 96 that have recovered since the beginning of COVID-19 in March, 24 deaths, and that leaves 3 active cases.

They are doing well and keeping their numbers down. She would just remind everyone that masks are required in public and when they cannot social distance. So if people are walking on the sidewalk and walked by someone, they should put on their mask. They do get a lot of complaints about that. They are looking to have electronic signs placed on either end of Route 28, in the next week. They are just waiting on proper placement. This will just remind people that face coverings are the requirements of the State. Also, when they can't social distance they should have a face mask on.

She also wanted to mention, that at the pop-up testing which happened last week, she was very happy to put the Cape Cod Medical Reserve Corps in collaboration with Outer Cape Health. They provided 3 to 5 volunteers per day, and they really helped make that clinic go smoothly. It was a very good opportunity for everyone to collaborate. Mr. Powers added that he would also like recognize the CERT Team (Community Emergency Response Team) that had a number of volunteers as well and he wanted to make sure that those folks were recognized for their efforts.

One last update for the Board. They had asked about the Outreach Coordinator with the Council of Aging, a few weeks ago. She had been able to get Ms. Emily Mitchell, Council of Aging Director, in contact with the Academic Public Health Volunteer Corps. Over the last few months they have been gaining volunteers. People want to help

out throughout this pandemic. A lot of graduate students that are mastering in Public Health volunteer for this program. They are hooked up now through the Counsel of Aging to do senior wellness calls. It is a hole that was made due to a vacancy in the department, and the situation they are in now and not being up to fill that. They are able to have the volunteer group take over the wellness calls. They are able to do a variety of other things as well. They can help out at social worker type capacity.

Mr. Ballantine asked for clarification if this is broader then COVID-19, if this is for senior wellness in general?

Ms. Eldredge said that they found out that a lot of towns had a need that were not being met, in regards to making sure seniors knew what COVID was. So, they are using this platform to give services to towns that need any type of service. It is not just COVID related, but they are able to provide COVID resources. So if they just make senior outreach calls, with no need to be on a COVID type of list. They just make calls, and make sure everyone knows about the Governor's orders, and the conversation turns to if they need anything, need any groceries, or need anything from the pharmacy. It works well together.

Mr. Ballantine says that it is great and it is a critical need.

Mr. MacAskill thanked Ms. Eldredge for bringing it up. He also said it would be good for the Board if they could have Ms. Mitchell attend a meeting to say some words on this. He also asked about who coordinates the volunteers and if that is an additional duty for the Council on Aging Director?

The second question he had is if the need for the Town of Harwich was being met? He said that when they first talked about it, it was mentioned that it was not an essential position and he is concerned about that. He thinks it would be good to have the Director for the Council on Aging there to give them her thoughts. Mr. Powers will follow up on that.

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

Mr. Powers said that they had Ms. Cyndi Williams, Executive Director of the Chamber of Commerce, on the call, and he was not sure if she had a chance to talk to anybody today about the Phase II, Step 2.

Ms. Williams said that she was out and about with the restaurants, and throughout the weekend, they had been preparing and getting ready for today. They are thrilled at the prospect of having the inside, as well as, continuing their outside. Also, those that were not doing outside dining, were very excited today, because they were able to have more than just takeout. The Governor did not put a cap on the number of occupancy, which was great, so they could really maximize, as best they could, with the six foot distance between the tables.

The next thing, was the ability to add dressing rooms, by appointment only for retailers. So any of the shops that have people needing to try on things, that is a service available. This weekend she went out and visited with a lot of retailers and did some social live videos with them. RPM is doing appointment only for their stores still, then there are stores like Harwich Paint and Decorating that has an ambassador at the door, making sure that the amount of people in is the correct amount. The businesses are adjusting to all the guidelines and the protocols. She is very proud of all of them for making it through this. It was a busy weekend this weekend. The parking lot by her building was full both days, so that was the nice thing to see. Many people did have masks, there were some that did not. So just educating them on that again.

It is interesting how many calls she gets from people within Massachusetts, that call to see what things are needed here, even though they are in the same state. It is the same thing down here. They need to educate people on that.

The big questions over the weekend was on the beach stickers.

She wanted to reiterate that beach stickers for residents and taxpayers are online at the town website, and they can download the form and mail it in. Visitor stickers are at the Community Center, Monday through Friday 9:00 am to 2:00 pm. They are also at the Chamber, 7 days a week, Monday through Friday 9:00 am to 4:00 pm, Saturday 9:00 am to 2:00 pm and Sunday 10:00 am to 2:00 pm.

She is not allowed to have people inside, so they are doing it through a takeout window, so they're all safe and compliant. Finally the other thing the Chamber is doing is that they are giving welcome bags, since they can't have visitors or residence inside. They have a table out front, with all of the information about walking trails, bike trails, the magazine and all kinds of swag. They are welcoming people into Harwich the right way.

Mr. Ballantine just added for beach stickers that there is a Drop box at Town Hall, that they can leave the form in as well.

Mr. MacAskill asked if Mr. Powers had any updates for the Cultural Center, for the tenants, and being able to collect that rent again. Also, as a second question about the ball fields, he was contacted by Little League, and they wanted to start some of their summer camps and wanted to know when they may be on the use the Baldwin field or some of the fields in town?

Mr. Powers responded that the Cultural Center, and actually for both, he will turn it over to Ms. Eldredge. He knows for the building, that before it can open they need to make sure they have signage, as well as cleaning services.

Ms. Eldredge said that the Cultural Center is just waiting for signs. They just got their signs up today in Town Hall and tomorrow she is going to the Community Center. Also, she is doing a training online, so they can push it out to all employees that is part of the July 1<sup>st</sup> requirement. The Cultural Center, she would say, as soon as the signs are up and Mr. Hooper can commit a daily custodian to the building, that's the only thing holding it up. She would anticipate by Monday, or Wednesday the latest. The ball fields are open now, and they were open as part of Phase II. Though, for team sports, there are a lot of restrictions on tournament play. They can get together and practice; but they are not allowed to have games or scrimmages right now. That will be part of Phase III. So by July 6<sup>th</sup>, they could see tournaments start to get scheduled.

Mr. McManus asked about the Art Shacks. Ms. Eldredge said to treat those as retail, they take care of their own space. If there are tenants there, they would just need to follow the retail rules. Those are so small, so likely they could only have one person at a time.

Mr. McManus added that they have one tenant due to start up on July 1<sup>st</sup>, and they called him wanting to know if it was a go, are not. Mr. Powers added

that will also be a part of the big announcements that they are hoping to get out this week.

## **PUBLIC COMMENTS/ANNOUNCEMENTS**

Mr. Ballantine asked Lieutenant Scott Tyldesly if anyone had called in for public comments. Lieutenant Tyldesly responded that there were no calls.

## **CONSENT AGENDA**

A. Minutes for Approval: a. October 15, 2019 b. October 7, 2019

B. Vote to approve the Interim Town Administrator's recommendation to grant permission of NSTAR/Eversource for the purpose of the installing approximately 25' of conduit and cable and 1 handhold #53/23 A in town road to provide electrical service to customer at 94 Forest Street subject to conditions from staff

Mr. Ford said that the minutes for the October 15<sup>th</sup> meeting will be removed for corrections to be made.

Mr. Ford moved to approve the October 7, 2019 minutes and vote to approve the Interim Town Administrator's recommendation to grant permission of NSTAR/Eversource for the purpose of the installing approximately 25' of conduit and cable and 1 handhold #53/23 A in town road to provide electrical service to customer at 94 Forest Street subject to conditions from staff.

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

## **NEW BUSINESS**

A. Discussion and possible vote - Fiscal Year 2020 Budget Transfers & July 2020 Monthly Spending Plan

Mr. Powers said that they have their Finance Director and Chairman of the Finance Committee on the call.

Ms. Coppola said that the budget transfers that are before them this evening, were reviewed by the Finance Committee, at their June 11<sup>th</sup> meeting. They were approved by the Finance Committee, and she has six budget transfers for

their review and consideration this evening. She asked if they would like to go through each one individually.

Mr. Ballantine asked for some background information on what drives this need to move from a capital item to reserve? Why are they doing?

Ms. Coppola said that is a very good question. The Massachusetts Uniform Accounting System, that is directed by the Department of Revenue, requires them to categorize expenses in particular areas. So if it is a capital purchase, the guidance that they are provided, tells them but they cannot take it out of a repair and maintenance line item it properly categorized as a capital outlay. So that is one example. When the insurance premiums increased unexpectedly, they cannot take that expense, for example, as a salary line item for a position that wasn't filled. They need to properly categorize these expenses in the categories in which they should be expended from. So that is the purpose of these transfers.

Mr. Ballantine said, so in laymen terms, it is really to put them in different categories just for transferring money from one place to another, more of a categorizing to define what they are used for. Ms. Coppola said, that is correct. It is important to have them correctly categorized to project for the future and to be able to categorize items for let's say assets are going to capitalize over a number of years.

Mr. Ballantine asked if anyone wanted to go over each of these, or he would entertain a motion.

Mr. MacAskill said that he had a question on the Finance Committee vote of six to one. He asked if someone could tell him who the six other people to vote on the budget transfers were. Mr. Dana DeCosta said that he voted, Mr. Chorey voted, Mr. LaMantia voted, Mr. Ameres voted, Mr. Sherry voted, Mr. Tworek voted, Mr. Weiner voted and Mr. Kennedy was not there.

Mr. MacAskill said he just had a follow up on this, and apologized to call it out, but he asked Mr. DeCosta why he voted on the budget transfers when one of them was directly related to the DPW. Mr. Powers added that he saw that as well, and asked Mr. DeCosta for an explanation, which he did respond by email. He had not had the opportunity to present it to the Board, but figured with Mr. DeCosta on the call he would speak to it directly. He reiterated that he wanted to let the board know he picked up on it and asked the very same

questions. Mr. MacAskill said that he is asking because there was a person at a meeting a month or so ago, that was questioning the very same thing. So please explain.

Mr. DeCosta said that it was explained to them, that the six requests which were the reimbursements for the tornado funds, was going back into an administrative account. He said that he had asked specifically if it was going back to the individual budget listed, and was told no, that it was not going back, it was going back to administration. So, in that case he did not have a conflict.

He continued that in order to make sure the best interest of the Town is served, he has since put that question to the Ethics Commission directly, just to make sure he is on good grounds here, or not. He had one phone conversation with an attorney there, and has not received a final ruling from them. But again, in the best interest of the Town, they have a meeting scheduled for July 9<sup>th</sup> and will have the Committee do a revote, without him being involved. Again, he has not heard back directly from the Ethics Commission yet, as to whether or not there is a conflict. The money did not go back to DPW, at least as it was explained to him. Any work that he did as an employee, he has been paid for. He does not gain anything, one way or another, by this vote. So he thought he was okay. He is double checking with the source, and they are the ones to decide if there is a violation or not. But he does plan to have the Committee revote that, if it's necessary. If he does not hear from them, or there is some kind of change that they have to make.

Mr. MacAskill said he was not calling it out, because he thinks that Mr. DeCosta has anything to gain from this, he knows he does not. He knows that this was looked at by several people that disagreed of him going back onto the Finance Committee, because of where he works. So he thinks it is important to be as transparent as they possibly can with this. Thank you for the answer.

Mr. MacAskill said his next question is to Ms. Coppola, as to why they funded the purchase of a used 2002 Mack truck from capital outlay, rather than maintenance and repair. He asked if they are spending the tornado fund now on things. If she could explain to them why they are doing this out of capital outlay and is the money part of tornado funds.

Ms. Coppola explained that early in the Fiscal Year, the 1998 vehicle, equipment, needed to be replaced. It had nothing to do with the Tornado funds



and it was certainly after the tornado had hit. Her request to the DPW Director and the then Town Administrator, was to properly categorize this. It has nothing to do with tornado funds. All of the tornado expenses that the town incurred had been categorized under administration. They were not categorized anywhere in DPW. These are two different issues altogether. Ms. Coppola continued to explain that they needed to replace the piece of equipment because it was causing excessive and costly repairs. The \$844,000 was all related to the expenses of cleaning up the tornado, which was not just DPW, it was police and fire, and many other departments that were involved with those expenses. That is why they were categorized under administration to be able to capture all the costs.

Mr. MacAskill asked just to follow-up, if he may. He asked how much the 2002 Mack truck cost? It was obviously after Town Meeting vote, so where did the money come from? He repeated his question of wanting to know how much it cost and where did the money come from?

Ms. Coppola said that it cost \$23,400. The department had money budgeted for maintenance and repair. There is money budgeted for types of equipment, for repairs within the town. However, it just didn't make sense anymore to continue to repair a piece of equipment that was not going to be successful. That is why the decision came down to replace the equipment and that is why they are asking now, to transfer the money from maintenance and repair, where there are funds there to support that.

Mr. Ballantine said he would entertain a motion to approve these as one packet. Mr. McManus made the motion. Seconded by Mr. MacAskill. All in favor, motion carried by unanimous vote.

Ms. Coppola continued with the topic of the Monthly Spending Plan. She provided the Board with the steps that she took to prepare the plan. It is slightly different then it was last week, due to new information that she received. Such as, the Town's insurer for property and liability insurance, has allowed communities to extend the time in which they had to pay the annual premiums to September. So, she has removed those from the July spending plan. She also updated information, in regard to the actual snow and ice funding for FY19, that was approved at town meeting. She has based this on the FY20 budget, and then based it on information that she had from the school district, and information from the actual debt that is going to be expended for the month. The Water Commissioners have already voted on

their July spending plan; so that has been included here. Ms. Coppola also included some explanations, for what the significant increases are. These included the annual contribution to the Barnstable County retirement, the annual insurance premiums for the Marina coverage, as well as injured on duty claims. Also, the assessment for Monomoy School District, which will be due in July. The 1/12<sup>th</sup> spending budget has to be approved by the Department of Revenue, prior to July 1<sup>st</sup>. She has provided a sample memo for them as well, to the Town Clerk, if they choose to vote this this evening, to give the Town Clerk the authority to certify their results.

Mr. Powers commented that it was indicated on page four of her packet, that the Board need only approve the spending plan for the General and Sewer Enterprise Funds, and asked if that should be stated expressly in the motion? Ms. Coppola said yes, that it is fine.

Mr. McManus moved to approve the monthly spending plan for July 2020 for the General and Sewer Enterprise Funds in the amount of \$10,551,371. Seconded by Mr. MacAskill. All in favor, motion carried by unanimous vote.

B. Discussion and possible vote – Temporary Seasonal COVID-19 Code Enforcement Inspector

Mr. Powers said that he will turn this over to Ms. Eldredge. It is a follow up to the item he discussed last week, regarding the Technology Task Force he had assembled during COVID-19. There was also a similar Health and Safety Task Force, which Ms. Eldredge was a big part of. It was from that, which brought this request for the temporary position. He does support this. It is related to COVID-19 inspections, and given all of the requirements that have been coming out of the State and Federal Governments, this position is needed for them to get a handle on going around to all of the places and ensuring they are meeting their obligations. As you can see in the packet, Ms. Eldredge has outlined everything. He will turn it over to Ms. Eldredge and again, he does support the request.

Ms. Eldredge said that she is requesting a temporary, seasonal, full-time inspector. This inspector is proposed to perform COVID-19 related inspections, mainly food service inspections. As they know they get many complains and 75-80% are related to food service; overcrowding or staff not wearing face masks, and things like that. They also have other COVID types

of inspections that they have to do, which involve swimming pools, camps and just regular businesses that they get complaints about.

Right now, they have one full-time and one part-time inspector, plus herself. They are still taking on their normal day to day responsibilities, it has not slowed down even a little bit. They are still doing building permit reviews, septic permit reviews, real estate inspection transfer reviews. Also, now it is summer time, so they are doing tobacco control inspections, swimming pool inspections and taking over when a beach samples fail and they have to go back and re-sample the beach. So, there day to day tasks have not slowed down, and they are overwhelmed with complaints and need to make sure business are complying with COVID standards.

So, she is asking for a temporary person. Not full-time, year round, just full time until October, until the seasonal businesses slow down. She does recognize that this is a CARES Act reimbursement eligible position. Barnstable County did have an ad in the paper for similar positions. After speaking with them, they are looking to hire 3-5 similar positions, to support Cape towns. If they are able to fill the position, they would likely be able to provide them with one person, one day per week, from mid-July to the end of August. The county recognizes that they need this. However, she feels that they need something more than a half or a full day to cover their needs. The County was proposing an hourly wage of \$25/hour, so she is proposing something similar. She will speak with Mr. Powers if this would need to be a union position, or not. If they are looking at around \$25/hour, at 35 hours per week, that would be approximately \$14,000.

Mr. Ballantine said that she makes a good case, but asked what the chances are for finding someone. Ms. Eldredge said that she thinks the more they pay, the more the likelihood is. This position is going to get beat up; so it is going to take money to get someone to do this. All they can do is hope and ask. Otherwise, their day to day tasks will go by the wayside, which would be unfortunate.

Mr. Ballantine asked if she would go through her network in the health industry or place an ad, how would she proceed. Ms. Eldredge said that she would propose to put an ad in the paper, but they also have the Mass Health Officers Association, that does advertise for employment opportunities. They are also able to put it out to some of the grad schools, like BU and UMass,

that have School of Public Health grad schools, and they have employment boards.

Mr. MacAskill said his question is more directed to Mr. Powers. In regards to their CARES Act fund, which is just over \$1 million, what is the deadline for submission to get that \$1,069,000? Can they continue to add to it as they go? Mr. Powers said to the last question, yes they can add to it, up to that amount of \$1,069,000. There was a deadline initially of June 5<sup>th</sup>, then June 12<sup>th</sup>, and in between that the Division of Local Services came out and gave guidance and said that if Municipalities wanted to do it later, early FY21, is allowed, as well.

Mr. MacAskill said it would be good to get an idea of what has been submitted so far, and know what is left over. It seems they are voting on things that may or may not be reimbursable. So earlier tonight they spent \$80,000 plus to get the bathrooms cleaned, and now they are talking about another \$14,000, he is concerned. There is not a question that they need help in Health Department. However, if they do decide to pay for it right now, based on the current deficit, and knowing that they would not get reimbursed, he would have to vote no. If they were thinking that they would get reimbursed, it is promising. They need to know a little bit more. Or at least hear, that they think they will get reimbursed for this.

Mr. Powers said that anytime there has been a concern, such as with the laptops last week, where they know there is CARES Act funding; but they don't know if there is FEMA funding. The disinfectant services they know is covered under CARES Act. They know that Health Inspector and COVID monitors, that we did prior to the beach season, are all covered because they didn't anticipate them or budget for them. They have to do them in response to COVID. There is a two or three page list of items that are understood to be CARES Act eligible. The times that he has hesitated has been when there is an Asterix, because is related to the FEMA. They know these are items that they can put it in for reimbursement.

Mr. MacAskill said that he had a follow up question. If it is a 35-hour position doesn't that make them qualify for benefits, or does it not, because it is a definitive amount of time? Mr. Powers said that they are looking at this as a personnel bylaw temporary, seasonal. They have others that are at that level. Mr. MacAskill also asked with the office space limitations, where does Ms.

Eldredge see this person sitting, and how does she see herself delegating the responsibilities.

Ms. Eldredge responded that she will be moving into the Town Planner's old office and her assistant, Ms. Tenaglia will be moving into her office. That leaves the larger office, for their current part time inspector and this new person. Both of them will be out in the field 90% of the time. They would have very little overlap in the office. For the other question, it will take her a few days of training to get them up and running, but once they are trained they will have a list of things to do every week. It will be very little oversight on her part, unless further enforcement is needed. She will delegate tasks to them on a weekly basis.

Mr. MacAskill said that he agrees they need to advertise this position higher than Barnstable County, if they have any hope of getting anybody. Two questions with that. Would that upset the tone with anybody that is currently working, and the last would be, do we need to get another vehicle? Or will they need to use their own vehicle, because we have a limited number of vehicles. Ms. Eldredge responded that they may need to reimburse for miles or use the town vehicle. They only have one that they can use for the Health Department, and they do use that when they go out for inspections. In regards to the pay, the two inspectors that they already have, make more than this. If we come in at about \$30/hour for this position, it would not cause any problems. Mr. Powers also mentioned that they did ask the part-time inspector if they were willing to go full-time, which was answered, that they were fine where they were at.

Mr. Howell moved that they go forward with the recruitment, not to exceed \$30 per hour. Seconded by Mr. McManus. Motion passed 4-1-0, with Mr. MacAskill abstaining.

C. Vote to approve – Go Industries DBA Perks – Common Victuallers License – Renewal - 545 Route 28, Harwich Port

Mr. MacAskill moved to approve Go Industries DBA Perks – Common Victuallers License – Renewal - 545 Route 28, Harwich Port. Seconded by Mr. McManus. All in favor, motion carried by unanimous vote.

- D. Vote to approve - Go Industries DBA Perks - Weekday Entertainment License – Renewal - 11:30 AM – 10:00 PM inside and outside – Recorded and/or live music with amplification system and dancing –545 Route 28, Harwich Port

Mr. MacAskill moved to approve Go Industries DBA Perks - Weekday Entertainment License – Renewal - 545 Route 28, Harwich Port - 11:30 AM – 10:00 PM inside and outside – Recorded and/or live music with amplification system and dancing, consistent with past licensing and restrictions. Seconded by Mr. McManus. All in favor, motion carried by unanimous vote.

- E. Discussion and possible vote to approve Natural Resources Director, Heinz Proft's request re-hire Shellfish Lab seasonal staff – FY 2021 Budgeted Item – not to exceed - \$7556.40)

Mr. Ballantine said that Mr. Powers may want to speak on this, but this is to help keep their shellfish lab going. He knows that Mr. Proft has already cut back and he would argue that this is critical to the Town, and he would hate to see it shut down. It is not a major expense. He would entertain a motion unless people have questions on this.

Mr. MacAskill said that his only question was that two weeks ago they accepted a gift for this, in the amount \$15,000; could that money be used? Or was there a stipulation with that money?

Mr. Powers said that is an excellent question, and Mr. Proft is on the call. Mr. Proft said that he will cover a couple of things to answer their questions. The Town does run a Shellfish Lab and they have for the last 26 years. Over the past 23 years he has been able to hire high school students and a teaching supervisor to help management and maintain the lab. He said that the donation they received was stipulated for the purchase of Shellfish seed. That would be oysters, quahogs, soft shell without an end date. It was directed towards the purchase of seed. Within the Natural Resources budget, they have some money allocated for the purchase of seed as well. They also get some seed from Barnstable County Cooperative Extension, at no expense to them, since they are a Municipality. So they do receive a portion of money for that seed. The lab starts out in the June timeframe, with about \$8,000 worth of seed. What they plant in the recreational and commercial shellfishing areas, by the end of September and October has a value of excess of \$40,000. So, they get a five times bang for the buck, in that regard. Some of that is due

to the energy and personnel, they have in the lab. The request they have in front of them is to allocate the line item, within his budget, that is there for hiring a teaching supervisor and three interns. However, with the recent COVID and social distancing requirements, his request is to re-hire the same teaching supervisor that he had last year, because there is no real hands on direction needed. He would not need to be there side by side. Then also being able to hire her husband as an intern, would have no impact on the social distancing.

Mr. Powers said that he would argue that this could have come under a COVID-19 update, as Mr. Proft plan for resumption of activities. But given the aspect here of going from one primary person with three interns, to two people, he did ask Mr. Proft to put it in writing to present it to the Board. He completely supports this request. Mr. Powers said that Mr. Proft has been creative in difficult circumstances to make sure the Town of Harwich maintains its commitment to the shellfishing, and aquiculture world, and to continue that operation.

Mr. MacAskill moved to approve the Natural Resources Director, Heinz Proft's request re-hire Shellfish Lab seasonal staff – FY 2021 Budgeted Item – not to exceed - \$7,556.40. Seconded by Mr. McManus.

Mr. MacAskill pointed out that this is also a food source for quite a few people. People do this and eat them. He thanked Mr. Proft for the great program. Mr. Proft thanked them for all the support and that Mr. MacAskill hit the nail on the head. In fact this falls under one of the Governor's essential services, for the labor to produce aquaculture, as well as agriculture. In his supporting documentation he added that Harwich sells approximately 400 shellfish permits per year, and they are in June and they have already touched 300. They have already seen an increase in permit sales. On multiple levels it is a good thing to continue to do. Mr. McManus asked Mr. Proft if the song is still up on YouTube. Mr. Proft explained that they had promoted the lab with a song and if they look up the shellfish lab song in Harwich, it is there. Mr. McManus said it is a wonderful song!

All in favor, motion carried by unanimous vote.

- F. Review and approval of the Assistant Town Administrator annual evaluation and step increase

Mr. Ballantine said that he would like to postpone this for the time being. This was brought to his attention, by Mr. Powers, that his first year expired on May 20<sup>th</sup>, and they should look at moving forward. It has gotten too complicated with the confusion and trying to judge someone with the multiple roles. Mr. MacAskill said that he is confused, by the confusion. Could that be elaborated on, or if the person who is against rating this could elaborate.

Mr. Ballantine said they had some difficulty in knowing if they should rate him as an Assistant Town Administrator, since he has been doing the Town Administrator role. He stated that he did it, and Mr. MacAskill did it, but some felt uncomfortable. Mr. Powers was also a little concerned from his perspective, that this would muddy the waters as he also has an application in for the Town Administrator position, at the same time.

Mr. MacAskill said that from his point, the job description of the Assistant Town Administrator calls them to be the acting Town Administrator, in the absence of a Town Administrator. So he did his review, and he obviously got a passing review and he thinks they should make a public statement that he got a passing grade as Assistant Town Administrator, doing his job, based on his job description.

Mr. Howell commented, that though he did not do the review, and regardless of his position, he feels that what is hanging out there as an issue is that no one at the department level would have their ratings brought into a public meeting. That changed the territory also. In doing this, you are rating someone that would have been rated privately by a supervisor and this would have been subject to the open meeting law restrictions for divulging that. That is not really eligible under the Freedom of Information Act, as a subordinate. Mr. MacAskill said that is a fair point.

Mr. Ford said that he agrees with Mr. Howell, but he is happy to have Mr. MacAskill and all of them indicate their support for Mr. Powers, and their support of him and the performance he has given them.

Mr. Ballantine said that he appreciates that. His intentions were good, but it got crossed wire and he did not want this to be a negative aspect of that.

## **TOWN ADMINISTRATOR'S REPORTS**

### **A. Request for change in entertainment licenses**



Mr. Powers said that this was just to advise the board. They received a call late in the week that the applicant completed the application in error, so they have asked for a correction. He wanted the Board to be aware that they received this, but it requires a new hearing. This will be coming up as soon as they can meet all of the hearing requirements.

Mr. MacAskill asked what the mistake was. Mr. Powers said it was the timeframe that they put in, which was looking for entertainment from 11:00 am to midnight, inside; and 11:30 am to 10:00 pm, outside. On their application he believes they had indicated 6:00 pm. This is for the Port and Ember. Mr. MacAskill thought they already voted on this. Mr. Powers will work with staff to confirm this, and correct this by hearing or by staff, if the Board is ok with that.

#### B. Update on contracts signed by Interim Town Administrator

As they can see in the packet, there was a contract that he signed for \$601.92, this is for Municipal Vulnerability Preparedness program. They had to make some changes based on COVID.

Also there is an insurance renewal with two separate aspects to it. The first one is for \$6,500, for the insurance consultant that reviews their claims. This is relative to public safety injured on duty. The other is the actual renewal proposal for insurance, which is for \$22,339. So, he will make sure the board has copies of those documents.

Lastly, regarding the hiring and spending freeze they decided to keep in place. He advised the Department Heads last week that if they did have any hiring or spending issues, they should inform the Finance Director or himself. He has heard from three departments, the fire department for a fire fighter, the police department for a dispatcher, and the building department for an additional executive assistant position that is vacant.

### **OPEN PUBLIC FORUM**

#### A. See dial in instructions above

Mr. Ballantine asked Lieutenant Scott Tyldesly if anyone had called in.

Lieutenant Tyldesly said that he saw one person, Mr. Tom Banisch, had joined the call, but he had not received any emails.

Mr. Banisch said that he was on the line and wanted to watch the meeting to familiarize himself with what they are doing. He is a candidate for the position of Town Administrator.

## **SELECTMEN'S REPORT**

Mr. Howell said that the election is coming up a week from tomorrow. He is mentioning this because two things are happening. The Charter has two revisions that have already passed the Attorney General's office, and already passed town meeting. They are both pretty important. One establishes water and wastewater commission, and the other one really radically alters the way we do the capital budget. So, the reason he brought this up is because it is a different situation from normal. There will be truncated voting hours. If people wanted to get absentee ballots, it would be wise to do it now, in order for that to happen.

Mr. Ballantine thanked him for bringing it up, because it is his fear that people won't vote. Mr. Powers said that the polling hours are 11:00 am to 6:00 pm on Tuesday June 30<sup>th</sup>, at the Community Center.

Mr. McManus said that he just had a comment about the testing regime that they had last week. After having attended some of the rallies, he went and got tested. He went to Wellfleet to be tested and was happy to see how it was handled. It was as smoothly run up there, though much less of a turn out, then they had in Harwich. He said it was worthwhile to be tested.

## **ADJOURNMENT**

Mr. MacAskill moved that they adjourn at 8:12 pm. Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

Respectfully submitted,

Lisa Schwab  
Administrative Assistant