

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, OCTOBER 1, 2018
6:30 P.M.**

APPROVED

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

OTHERS PRESENT: Town Administrator Christopher Clark, Chief Clarke, Chief Guillemette, Peter Hughes, Carolyn Carey, Cyndi Williams, Maggie Downey, Brianna Kane, and others.

WEEKLY BRIEFING

Chief Clarke recognized Firefighters L'Etoile, Ford and Elliott who assisted on the Regional Tech Team for Hurricane Florence in North Carolina and the Board thanked them for their efforts.

Chief Guillemette reported that Lt. John Sullivan has graduated the FBI National Academy and is the first member of the Harwich Police Department to ever attend the Academy.

Ms. Carey described upcoming events at the Community Center.

PUBLIC COMMENTS/ANNOUNCEMENTS

A. Barnstable County Independence Scroll - *signature requested by Peter Hughes*

Mr. Hughes, representing the Assembly of Delegates, reported that the Board of County Commissioners held a ceremony last week to reaffirm the signing of Barnstable County's Declaration of Independence which took place in 1774. At Mr. Hughes' request, the Board signed an Independence Scroll to commemorate that event as well.

CONSENT AGENDA

A. Approve minutes –

1. May 7, 2018 Regular Meeting
2. May 8, 2018 Regular Meeting
3. September 10, 2018 Regular Meeting

B. Accept resignation of Larry Cole from Harwich Energy Committee and as Harwich representative to CVEC effective September 30, 2018

Mr. McManus moved approval of the Consent Agenda. Mr. Ballantine seconded the motion. Mr. Howell clarified that Mr. Cole's resignation from the Harwich Energy Committee is effective immediately. Mr. Ballantine thanked Mr. Cole for all his service to the Town. The motion carried by a unanimous vote.

PUBLIC HEARINGS/PRESENTATIONS *(Not earlier than 6:30 P.M.)*

A. Cape Light Compact's Three-Year Plan – *Maggie Downey*

Ms. Downey, Administrator and Brianna Kane, Program Manager, presented the Three-Year Plan for the Cape Light Compact and took questions and comments from the Board.

NEW BUSINESS

A. Annual Meetings with the Selectmen:

1. Waterways Committee

No one appeared before the Board from the Waterways Committee.

2. Historic District/Historical Commission

Mary Maslowski, Chair, provided the annual report of the Historic District/Historical Commission.

B. Board of Selectmen FY20 Budget Message

Chairman Kavanagh asked for feedback on the budget message. Mr. Howell said he would like to include in it that we will be bound to keep an eye on the cumulative effect of the borrowings that we've made noting that not all of them are under the Board's purview. Chairman Kavanagh asked for all comments to be forwarded to her.

C. Authorize Chair to sign Change Order for the Saquatucket Landside Project in the amount of \$87,450

Mr. Ballantine indicated that on these items he would like to see what was appropriated and what was spent to date and Mr. MacAskill and Mr. Howell agreed. Mr. Howell encouraged that a narrative be included with a recommendation to award and indicating that money is available. Mr. MacAskill moved to approve the Change Order for \$87,450 to Eastward Company for the Saquatucket Landside project as presented. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

D. Liquor/Entertainment License Violation – Ember – *recommend referring this matter to Hearing Officer/Town Administrator*

Mr. MacAskill moved that we refer the Liquor/Entertainment License violation for Ember to the Town Administrator as the Hearing Officer. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

E. Resignation of Ernest Crabtree as a full member of the Conservation Commission and appointment to Conservation Commission as an associate member

Mr. Howell moved to accept the resignation of Ernest Crabtree as a full member of the Conservation Commission. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

Mr. Howell moved to appoint Ernest Crabtree as a Conservation Commission associate member with a term to expire June 30, 2021. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

F. Appointment of John Ketchum as a full member of the Conservation Commission and as the Commission's representative to Community Preservation Committee

Mr. Howell moved to appoint John Ketchum as a full member of the Conservation Commission with a term to expire June 30, 2019. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

Mr. Howell moved to appoint, at the recommendation of the Conservation Commission, John Ketchum to the Community Preservation Committee with a term to expire June 30, 2019. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

G. Proposed Harwich Center Initiative Committee – *Larry Ballantine*

Mr. Ballantine proposed that we initiate this committee as an ad hoc committee with a finite date and suggested the end of next December. He discussed the Harwich Center study done by the Cecil Group in 2000 regarding revitalizing the Center as well as one done by the Cape Cod Commission in 2009 regarding prioritizing the Cecil Group's objectives. He read the proposed charge. Mr. McManus pointed out that there was a second report from the Cecil Group as well and commented that it is about time we take all the information and move forward with it. Mr. Ballantine moved to accept the formation of the Harwich Center Initiative ad hoc committee. Mr. Howell seconded the motion. Chairman Kavanagh noted that it will be a 7 member board. The motion carried by a unanimous vote.

OLD BUSINESS

A. Tax Collection – breakdown of legal costs

Mr. Clark reported that the breakdown of costs is in the packet. He explained that we pay each of the attorneys and the amount gets added to the lien so we do ultimately recover the cost. He suggested having Attorney Bloom walk through some of the situations to get a flavor of what is going on with collections. Mr. MacAskill stated that he noticed that not everything gets added to the tax liens with Attorney Coppola. He said he wants to see what other towns are doing and other options. He suggested having this discussion when they discuss Town Counsel options. Chairman Kavanagh said they'll come back with more information.

B. Status of Outreach Coordinator RFP

Mr. Clark said we put out the RFP and actively sought out people but didn't have any takers. He suggested funding it from a more substantial funding source for a period of time to kick start things and said he was going to put it in as a capital request but still try to recruit a firm to come in and do the work from this year's budget to bring us to July 1. He said having a more significant amount of funding may draw more interest. Mr. Ballantine said doesn't disagree with the approach and doesn't want to give up on it for this year. He said he would like to take another crack at the RFP as it may have been too vague and he will add more specifics and details. He said he would like to work with Mr. Clark and the Wastewater Support Committee on it.

C. Board Policy on Access to Town Counsel

Mr. Howell said he wrote this policy with a previous Selectman and it doesn't speak to any member of the Board of Selectmen but rather speaks to boards under the Board of Selectmen's jurisdiction. He noted that a Selectman went to Town Counsel to ask a specific legal question and he doesn't see someone addressing a concern with legal counsel as a violation. Chairman Kavanagh noted that Mr. MacAskill asked for this to be on the agenda. She added that she doesn't get the same interpretation of the policy that Mr. Howell does. Mr. MacAskill said he was the one who contacted Town Counsel and it was pointed out to him afterward that he needs to go through the Chair. He said he read the policy similar to the way Mr. Howell did. Chairman Kavanagh stressed the need to clarify the policy and Mr. Ballantine agreed. Mr. Howell said he would be happy to add another line to clarify this. Mr. McManus stated that there are two confusing issues as there are certain areas that Board of Selectmen and other Committee members need advice from Town Counsel such as ethics and conflict of interest and that is not the sort of question you can pass through the committee chair to make that request. He added that although the policy states "under the jurisdiction," they are the Executive Board and act collectively, not individually. Mr. Howell made the following statement: Sometimes on a board there is a desire to get something done, call it a rush to judgement, and there is an understanding about where we need to go, sometimes one person can bring up whether it's legal to get there the way you're trying to and I believe that's what Mr. MacAskill was trying to do because it had nothing to

do with casting aspersions on anyone. There has to be a prospect for Selectmen to be able to get to legal counsel when you're taking votes on things that are going to hinge on the legality of them. I know we act together, but there's 5 of us, because invariably there's a particular issue, there's no way of testing one person's viewpoint. I don't see how we can proceed in a situation that's so cumbersome that we can't get in touch with legal counsel without going through the Chair given the fact that we are looking at a 5 or 10 year period of time where it hasn't been a problem. Chairman Kavanagh said she didn't try to deter anyone from reaching out to Town Counsel but had she been asked, she would have. She commented that you have a Chair for a reason. Mr. McManus said if they are going to update the policy, then they should point out that dichotomy of making it clear in cases of getting legal advice for specific issues, Selectmen can make the approach independently. Mr. Howell said he would bring back the policy.

D. Town Administrator authority to approve contracts and approval of Capital items over 50K

Mr. MacAskill said he brought this forward last year as well and he thinks the limit we have set is far too high but he was unsuccessful at reducing it to \$10,000. He commented on the importance of transparency. Mr. Ballantine said he voted years ago to raise it to \$50,000 and he thought it was appropriate with the large budget we have but agreed with Mr. MacAskill that it does increase transparency. He suggested reducing it to \$25,000. Mr. McManus said he had no objection to leaving the limit where it is provided it is a budgeted expenditure. Mr. Howell said the Board no longer looks at payment warrants and they used to do that. He said the items under \$50,000 is where most of the action is. He stated that \$10,000 is perfectly reasonable. Chairman Kavanagh noted that they would be looking at a lot of volume and they are employing a Town Administrator and this was the philosophy when they discussed this previously. She said she would like to know the impact on the departments if this were reduced. Chief Clarke said it doesn't make sense for him to submit payroll and bill schedules for the Board's approval and that is what the Town Administrator is for. Mr. Howell said he isn't advocating for that but rather he is just saying the Charter originally called for that. Chief Clarke disagreed that there wasn't transparency with the contract process. Chairman Kavanagh pointed out that the Board does see the contracts prior to the execution and they should have questions at that time. She commented that if we are going to reduce it to \$10,000 we have to think about what we are doing to the day to day business of the Town. Mr. MacAskill moved that we lower the Town Administrator's authority to approve contracts and approval of capital items over \$50,000 to \$10,000. Mr. Howell seconded the motion. Mr. McManus said the Charter doesn't allow us to set a dollar value, we can only delegate certain classes of contracts. Mr. Howell said we could probably get a legal opinion that says it is a class of contracts insofar as the procurement regulations delineate a small purchase from a contract. Mr. McManus agreed that a dollar value is a legitimate way to classify. The motion failed on a 2-3-0 vote with Chairman Kavanagh, Mr. McManus and Mr. Ballantine opposing the motion. Mr. Ballantine moved that we reduce the Town Administrator's delegating authority from \$50,000 to \$25,000 effective December 1. Mr. Howell seconded the motion and the motion carried by a 3-2-0 vote with Mr. McManus and Chairman Kavanagh in opposition.

CONTRACTS

A. Assistance to Fire Fighters Grant Program funding

Deputy Chief LeBlanc reported that the project is broken up into four separate parts but the total of purchases is over \$50,000 and these are all state contract purchases. Mr. McManus moved we approve the award in the amount of \$57,467. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

B. Community Center EMS \$55,839 – 25A Procurement

Mr. Clark reported that this contract is consistent with procurement law under Section 25A for Energy Conservation Measures as it is \$100,000 per building. Mr. MacAskill moved that we approve the contract

for the EMS System in the Community Center for \$55,839. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

TOWN ADMINISTRATOR'S REPORT

A. Contracts under \$50,000:

1. King Information Systems for records management - \$39,824
2. Town Hall EMS, Police Station EMS, Fire EMS – Total \$80,968
3. Centralized EMS \$6,231 – DPW funded
4. Bike Crossing System \$24,500

Mr. Clark outlined the above contracts under \$50,000.

B. Cable License Renewal

Mr. Clark said the Board hadn't expressed interest in a Cable Committee so he would probably put together an interview team. He said there are several other towns where the contracts are up so he may reach out to those towns to see if we can collaborate by hiring one attorney.

C. Liquor License update – additional 3 licenses – status

Mr. Clark reported that we sent a letter to Senator Cyr and Representative Peake asking to have the Special Legislation go forward to the three seasonal licenses that are requesting to go to annual which was approved at Town Meeting.

D. Announcement – Administration's Wastewater Meeting – Oct. 3, 2018 at 6 pm – Cultural Ctr.

Mr. Clark announced the above-referenced meeting.

E. Departmental Reports

There was no discussion or action on this item.

SELECTMEN'S REPORT

A. Goals and Objectives

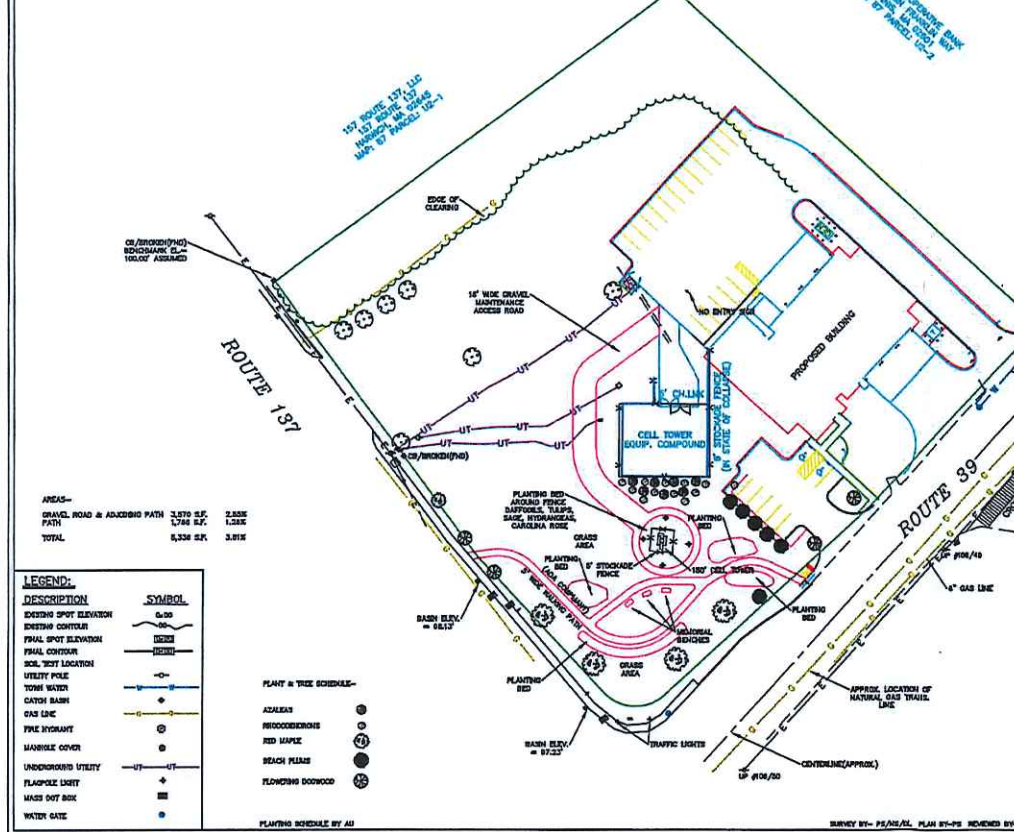
Chairman Kavanagh asked for the Board to provide input on the goals and objectives by tomorrow.

ADJOURNMENT

Mr. MacAskill moved to adjourn at 9:00 p.m. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary



Related Documents - October 1, 2018 BOS Meeting

- 01 Agenda.pdf
- 02 Barnstable County Independence Scroll.pdf
- 03 Minutes - May 7, 2018.pdf
- 04 Minutes - May 8, 2018.pdf
- 05 Minutes - September 10, 2018.pdf
- 06 Larry Cole Resignation.pdf
- 07 Cape Light Compact 3 Year Plan.pdf
- 08 Waterways Committee Report.pdf
- 09 Budget Message.pdf
- 10 Saquatucket Change Order.pdf
- 11 Ember Violations.pdf
- 12 E. Crabtree Resignation.pdf
- 13 J. Ketchum Appointment.pdf
- 14 Harwich Center Initiative.pdf
- 15 Tax Collection Legal Fees.pdf
- 16 Access to Town Counsel.pdf
- 17 Approval of Contracts Over 50K.pdf
- 18 Assistance to Firefighters Grant.pdf
- 19 Community Center Energy Mgmt.pdf
- 20 Records Management Contract.pdf
- 21 Police Station Energy Management.pdf
- 22 Town Hall Energy Management.pdf
- 23 Fire Dept Energy Management.pdf
- 24 Central Energy Management.pdf
- 25 Bike Crossing System.pdf
- 26 Cable Renewal.pdf
- 27 Additional Liquor Licenses.pdf
- 28 Budget Warrant Timeline.pdf