

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, OCTOBER 9, 2018  
6:30 P.M.**

**APPROVED**

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

**OTHERS PRESENT:** Town Administrator Christopher Clark, Assistant Town Administrator Evan Melillo, Chief Clarke, Carolyn Carey, John Rendon, Anita Doucette, Robbin Kelley, Judith Ford, Miranda Dupuy, Cindy Eldredge, Valerie Bell, Miranda Dupuy, Duncan Berry, and others.

**WEEKLY BRIEFING**

Ms. Carey discussed upcoming events at the Community Center.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

Mr. Cole reported that the Cranberry Harvest Road Race was cancelled this year and it is simply a matter of the numbers being down and therefore not financially viable. He added that the race director donated to the Monomoy Schools, the Little League and the Policeman's Association. He discussed the possibility of reviving the Fall for Harwich 10K race.

Ms. Doucette reported that the last day to register to vote is October 17. She added that early voting is starting on October 22 and runs through November 2.

Ms. Ford announced that the Friends of the South Harwich Meeting House will be holding an auction on October 28.

**CONSENT AGENDA**

- A. Vote to sign the November Election Warrant
- B. Approve the appointment of an additional Election Worker per the request of the Democratic Town Committee

Mr. McManus moved approval of the Consent Agenda. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

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

A. Annual Meeting

- 1. Cemetery Commission

Ms. Eldredge, Chair, provided annual report of the Cemetery Commission.

- 2. Harwich Energy Committee

Ms. Bell, Chair, provided the annual report of the Harwich Energy Committee.

## B. Presentation of the FY20 Selectmen's Budget Message

Mr. Ballantine said the budget message was well done. Mr. Howell commented that the overview is that it is going to be a tough next few years and said we are taking all bonding into account. Chairman Kavanagh briefly reviewed the message. No vote was taken.

## C. Financial Reports – Carol Coppola

Ms. Coppola reviewed the structure of the financial reports she provided including the operating budget, general fund revenue, and overtime report. She and Mr. Clark took questions and comments from the Board.

## D. Presentation – Overview of Route 137 and Route 39 corner site – Chief Norm Clarke

Chief Clarke discussed a plan for landscaping at this intersection, with the help of DPW, including taking out scrub pines, loaming the area and installing grass and irrigation. He said Engineering and the Conservation Administrator have come up with a plan to include walkways and reuse the flagpole to make it a much nicer area. He discussed potential for elimination of the sidewalks in front of Station 2 to allow for potential parking. Mr. Howell said this park was always in the site plan of the tower and there was \$15,000 set aside at that time for a pocket park. He commented that this looks consistent with the original plan. Chief Clarke said with the Board's approval they will proceed to the Planning Board and he is already scheduled to do so. He said they will do what they can in-house with available material and labor and then come back with ideas on how to finish it off. Mr. Ballantine said he would like to know what the effort is from the DPW and Chief Clarke said he could keep track of the hours. Mr. Ballantine said he would need to understand better the Chief Clarke's comment about not needing a sidewalk and Chief Clarke explained that if the Board chooses to proceed we need a place for parking and only the section where the current ramp is will remain. Mr. Ballantine said he would like an estimate of costs going forward. Mr. Clark said he could provide a ballpark figure from Mr. Hooper. Chief Clarke said DPW was going to work on it when they had a little slower time. Mr. MacAskill said the Board needs to prioritize based on money and we need to get an estimate. Chairman Kavanagh said they can look at it in phases as we move along in the project. Chief Clarke asked for permission to proceed with just taking down scrub pines and putting in grass using our workforce which we can do in house. Mr. Ballantine said he would still like to see costs for that. Mr. McManus said he liked the plan and it was well thought out. He said he would like to see the costing to implement the entire plan. Mr. Clark said we have to present the overall plan to the Planning Board with the idea that there will be phasing and dependent on funding sources. He suggested that the Board indicate that they acquiesce and say that it is a concept worth pursuing and have Chief Clarke continue to go forward and take this to the Planning Board. That was the consensus of the Board.

## NEW BUSINESS

### A. Committee Appointments:

1. Affordable Housing Trust – Judith Underwood (full member 6/30/21)
2. Historic District/Historical Commission – Brendan Lowney (full member 6/30/19)

Mr. Howell moved to appoint Brendan Lowney to a full position on the Historic District/Historical Commission to expire 6/30/19 and we appoint Judith Underwood to the Affordable Housing Trust for a full position to expire 6/30/21. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

B. Harwich Conservation Trust, Weston Woods Road/Island Pond Train and 0 Depot Street –  
*vote to sign the two Conservation Restrictions*

Mr. Lach, Executive Director of the Harwich Conservation Trust, provided history on the acquisitions of each of the properties by the Town. He noted that these Conservation Restrictions have been reviewed and approved by Town Counsel and the Conservation Commission. Mr. MacAskill noted that on the Hall property, the Board voted to exclude the language regarding hunting in #9. Mr. Lach agreed and said he would remove it. Mr. MacAskill moved to approve the request from the Harwich Conservation Trust for the Conservation Restrictions on Weston Woods Road and Island Pond Trail and 0 Depot Street and to change the 0 Depot Street to exclude #9 for no hunting. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

C. Request for winter boat storage at Saquatucket Harbor

Mr. Martens discussed his email of October 2, 2018 regarding winter boat storage as follows:

I would like the opportunity to speak to the Board of Selectmen at their 09 October meeting regarding storing our boat for the winter at Saquatucket Harbor. Our boat is a 41 foot sailing catamaran with a 21 foot beam. It requires a unusually wide ramp to haul out and cannot be transported over the road. There are only three places we can haul out for the winter on Cape Cod. Sandwich is full and Wellfleet as of 2016 only allows commercial vessels. The boat was stored at Saquatucket the winter of 2016-2017. At that time it was understood this was to be an annual arrangement. The boat has spent the last two summers at Stage Harbor in Chatham. Last year due to construction and other factors we were unable to haul out at Saquatucket. This was expected to be worked out and/or completed by Fall 2018. Our boat spent last winter tied to a dock at Harwich Port Marine. The boat must be hauled out this year for routine maintenance and safety checks. There will be no power washing. I require no electricity. The boat is fully insured and I can provide proof of insurance. When we were at Saquatucket in 2016 it worked out well since we live nearby and were able to check on the boat often. We hope you will allow me to be heard at the meeting. As we are in a unique situation due to our limitations, the Harbormaster advised that we speak with the Board of Selectmen.

Mr. Clark noted that the site is still under construction and we still need to put in the septic. Mr. Rendon stated that he is working on an RFP for winter boat storage and are currently under construction which will cover most of the west side parking lot but don't anticipate executing it until next season. Chairman Kavanagh said based on our construction schedule it is not something we can entertain at this time. She said we aren't in a position to award it to one person and not allow others. Mr. Rendon said we have people who have slips in our marina with very similar circumstances. He pointed out that while Mr. Martens beam is the issue, there are sailboats whose masts are the issue. He said he isn't going to pick one boat over the others. The Board didn't grant the request.

D. Name the Pet Burial Ground property – "Harwich Memorial Gardens & Walking Park"

Ms. Kelley explained that they had been before the Board and were given direction to go back and not name it after a person and also the Board wanted Harwich in the name. She stated that the Cemetery Commission came up with this name and they wanted her to bring to the Board for a vote. Mr. Howell said it doesn't currently exist as there has been no capital vote and if Town Meeting approves it, there

is no money as the money in the revolving account can't be spent on that per Town Counsel as the money can only be spent for human remains. Mr. Clark said that is true for the Perpetual Care and Revolving Account that we have but reminded the Board that we did segment money aside for the Cultural Center and then formally adopted the Revolving Account and we can do that again if the Board were to designate this as a pet burial ground. He explained that we can start to collect revenue through the General Fund until such time as it gets ratified by Town Meeting as a revolving account specifically set up for the purposes of doing pet burials. Mr. Howell said that may be correct but selling a plot to populate an account that doesn't exist is difficult as when you sell a plot you are forming a contract with an individual. Mr. MacAskill said this went to Town Meeting who voted for it to be a pet burial ground. Mr. Clark said the property was under the control of the Board of Selectmen and Town Meeting voted to transfer the property to Cemetery Commission for the purposes of a pet burial ground and the funding to effectuate that has not been identified yet. He said it isn't fair to say it isn't a pet burial ground. Mr. Ballantine said he has no problem naming it and he didn't read anything into this about funding. Chairman Kavanagh said we all know it was voted at Town Meeting to be a pet cemetery and it's just the funding at issue. Mr. Howell questioned what the rush is as nothing is happening now without funding. Ms. Kelley said she has been looking at different grant funding options and she would like to have a name to put on the documents. The Board took comments from Miranda Dupuy who said it would cause confusion as the Congregational Church also has a cemetery called Harwich Memorial Gardens. Mr. Howell pointed out that there has never been any mention of this being called a walking park. Mr. MacAskill said that Town Counsel has opined that we can sell lots now. Mr. Clark agreed and said the money would go into the General Fund for now. Mr. MacAskill noted that the name being presented tonight is not the name of the area at the Congregational Church. Ms. Dupuy clarified that it is referred to as "memorial garden." Chairman Kavanagh suggested putting "pet" in the name. Ms. Eldredge, Cemetery Commissioner, said a memorial garden is a burial place whether it is for pets or people and she stated that she doesn't have a problem with adding "pet" to the name. Mr. Ballantine moved to approve the name of the pet burial ground as Harwich Pet Memorial Gardens and Walking Park. Mr. MacAskill seconded the motion and the motion carried by a 4-1-0 vote with Mr. Howell in opposition.

#### E. Confirm the appointment of Mark Polselli as Part-time Health Inspector

At Mr. Clark's recommendation, Mr. McManus moved to confirm the appointment of Mark Polselli as Part-time Health Inspector. Mr. MacAskill seconded the motion. Mr. Howell said the Charter reads that any appointments or removals may be overturned by the affirmative vote of at least 4 Selectmen within 14 days of the Town Administrator's action. He said the Board's confirmation isn't needed and therefore he wouldn't be voting for this. Mr. Clark responded that if someone's appointment was overturned within the 14 days we would be on the hook for unemployment and he is trying to avoid that and give the employee peace of mind. Mr. Howell said the Board would be pre-waiving something that is written into the Charter. The motion carried by a 3-1-1 with Mr. Howell opposing the motion and Mr. MacAskill abstaining from the vote.

#### F. Discussion on appointment of an interim member of the Housing Authority

Mr. Howell said this would need to be advertised and there would have to be a joint meeting with the Housing Authority. The Board agreed that Mr. Clark should have the vacancy advertised. Mr. Stewart, Chair, said they are down one regular member and a state appointee.

#### G. Request for One-Day Beer & Wine License by Friends of the South Harwich Meeting House for October 28, 2018

Mr. MacAskill moved to approve the request for a One-Day Beer & Wine License by the Friends of the South Harwich Meeting House for October 28, 2018 from 2:00 to 5:00. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

## **CONTRACTS**

- A. Approval of Change Order for Saquatucket Landside project for paving work done by Lawrence Lynch in the amount of \$76,176.32 – *vote to authorize Chair to sign*

Mr. MacAskill moved approval of the Change Order for Saquatucket Landside project for paving work done by Lawrence Lynch in the amount of \$76,176.32. Mr. Ballantine seconded the motion. Mr. Howell noted that the Board agreed there should be a checklist for these items signed by the Finance Director and Town Administrator. The motion carried by a unanimous vote.

- B. MassWorks grant of \$36,000 awarded for dredge work – *vote to authorize Chair to approve Town Administrator as signatory and sign*

Mr. McManus moved that we accept the grant and authorize the Administrator to sign. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

- C. Contract approval for Brooks Park Restroom to Cape Cod Builders in the amount of \$77,500

Mr. Ballantine moved approval of the contract for Brooks Park Restroom to the Cape Cod Builders in the amount of \$77,500. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

## **OLD BUSINESS**

- A. MS4 Stormwater Rules and Regulations – Summary for review

Mr. Clark provided a brief overview which he explained that in short, any lot over an acre that is part of a subdivision would require a local stormwater permit which is issued through the federal government. Mr. Clark further noted that it would also require a public hearing with the Board of Selectmen as the regulatory agency but the Board could defer some of its authority to the Planning Board. Mr. MacAskill moved to approve the MS4 Stormwater Rules and Regulations. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

- B. West Harwich School Building – *general discussion*

Mr. Ballantine said he asked for this item to be on as they have done nothing with the building for years and need to decide what direction they want to go. Mr. Clark said he reviewed the application for historic designation which he noted is a voluntary designation. Mr. Ballantine added that there is no obligation from the Town required. Mr. Clark said he is trying to confirm with Mr. Igoe of Preservation of Massachusetts that there are not stipulations. He asked if the Board has concepts they would like him to pursue. He reported that we have a letter from our insurance company that is looking for some minimal work to be done in order to have the Vacant Building Coverage which he sent to the Facilities Director. Mr. Howell said he would like to see the same model used on this as was used for the South Harwich Meeting House which was a license agreement. Mr. McManus said

the Town has let it fall to such horrendous shape that it is beyond the ability of any potential non-profit agency to effectuate. He said if it is going to happen, it needs some Town investment and the Town could prepare a limited rehabilitation plan so it is in a more usable condition and this can be done through an application to the CPC. Mr. MacAskill said that this is a want and not a need and the taxes are going to go up with the other projects in Town. Mr. Ballantine said the Board should support the nomination to this historic designation. He said we need to come up with something in a few months and we can't just let the building fall apart. Chairman Kavanagh said the Board would have to look at the application before they can support it. Mr. MacAskill said he would like a legal opinion as to whether the historic designation binds us to keeping the building. Ms. Urbano said the designation through Preservation of Massachusetts is only so that it goes on the most endangered properties list and it is already designated as historic. She noted that CPC applications are still open if the Town wants to apply for a roof and Mr. Waystack suggested applying for the minimum insurance standards. Mr. MacAskill said once we are awarded money from CPC we are pretty much locked into keeping the building. Mr. Berry noted that MassDOT is redoing the area and they are talking about a substantial investment and the school house is at the top of the arch of Route 28 in the area. He suggested that the Historical Society would love to have a satellite building or leasing it to a private developer. He said he is happy to help. Ms. Dupuy said she has experience in historic preservation and economic development and said there is federal and private money when you have a designation and every historic district is supposed to have an anchor building and this could be it. The Board took comments from Ms. Ford who said the key is to get a non-profit group to promote it. She commented that they would love to share their expertise. Mr. Howell commented that it doesn't need to be a pre-existing non-profit. Mr. MacAskill suggested putting the RFP out again. Ms. Urbano recommended that the Board wait on re-issuing an RFP until they get the results back from the application for historic designation. There was some discussion about submitting a CPC application as a placeholder and related issues of lack of supporting documents, timing issues, and the need for more discussion. Mr. Clark said he didn't know as he could get all the paperwork together, including estimates for work, in time for the CPC application deadline. He recommended not rushing it. Ms. Urbano said the designation is just an honorarium and we don't need to get legal opinion. Mr. MacAskill asked for all the materials to be discussed at the next meeting. Mr. Ballantine said he would email the Board the application for historic designation.

- C. Pleasant Bay Alliance Watershed Permit Implementation Grant – concur with the SNEP Grant Agreement and place an article in the 2019 ATM Warrant to appropriate Harwich's share in the amount of \$26,710

Ms. Ridley, Coordinator for the Pleasant Bay Alliance, reported that we were fortunate to be named a grant recipient in the amount of \$250,000 and described the purpose of the grant. At Ms. Ridley's request, Mr. Ballantine moved that we place an article in the 2019 Annual Town Meeting Warrant to appropriate Harwich's share in the amount of \$26,710 and approve the grant with Chatham to be the fiscal agent. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

## **TOWN ADMINISTRATOR'S REPORT**

- A. Claim filed for damage to residential property from golf balls hit from Cranberry Valley Golf Course

Mr. Clark reported that we received a claim for damage to residential property from golf balls from Cranberry Valley which has been submitted to the insurance company. He noted that the Town has taken actions to try to mitigate this but not to the satisfaction of the property owner. He said he was

provided case law and any golf ball going on private property does constitute trespass. He said we do have a plan to continue to address this including installing natural vegetation. Mr. MacAskill said he received a call from the homeowner and did visit the house. He suggested that they just put up a net. Chairman Kavanagh responded that the other abutters aren't happy with that. Mr. Clark said we will see what we can address.

#### B. Departmental Reports

There was no discussion or action on this item.

#### **ADJOURNMENT**

Mr. Ballantine moved to adjourn at 9:12 p.m. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel  
Recording Secretary

## Related Documents - 10/9/18 BOS Meeting

- 01 Agenda.pdf
- 02 Nov Election Warrant.pdf
- 03 Election Officer Appt.pdf
- 04 Annual Rpt - Cemetery Commission.pdf
- 05 Annual Rpt - HEC.pdf
- 06 BOS FY 20 Budget Message.pdf
- 07 Financial Reports.pdf
- 08 Rt. 137- Rt. 39 Overview.pdf
- 09 Vacancy Interviews - Appointments.pdf
- 10 Conservation Restrictions.pdf
- 11 CR - 0 Depot Street.pdf
- 12 CR - Weston Woods Rd-Island Pond Trail.pdf
- 13 Winter Boat Storage - Private Citizen Request.pdf
- 14 Name Pet Burial Ground.pdf
- 15 Appt. of PT Health Inspector.pdf
- 16 Interim Housing Authority Member discussion.pdf
- 17 One-Day Beer and Wine Lic for S. Har Meetinghouse.pdf
- 18 CO for Downey Paving.pdf
- 19 MassWorks Grant.pdf
- 20 Brooks Park Restroom Bid.pdf
- 21 Stormwater Regs - Summary.pdf
- 22 W. Harwich School Bldg..pdf
- 23 Watershed Permit Implementation Grant.pdf
- 24 Property Damage Claim.pdf
- 25 Department Reports.pdf