

APPROVED

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, NOVEMBER 19, 2018  
6:30 P.M.**

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

**OTHERS PRESENT:** Town Administrator Christopher Clark, Carolyn Carey, John Stewart, Allin Thompson, Gary Carreiro, Noreen Donahue, Cyndi Williams, Michael Lach, and others.

Chairman Kavanagh reported that the Board had just come out of Executive Session where they discussed a real estate issue related to 4 Central Avenue and also litigation about the Viprino vs. Harwich lawsuit.

Mr. Howell announced the unexpected passing of former Selectman Mr. Freeman Allison and called for a moment of silence.

**WEEKLY BRIEFING**

Noreen Donahue of the Wastewater Committee discussed the Wastewater Phase 2 sewer connection process and hook up costs. She discussed information on tax credits for septic on the State Department of Revenue website and provided general guidelines.

Ms. Carey provided information on recent and upcoming Community Center events.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

Ms. Williams of the Chamber of Commerce discussed upcoming Chamber of Commerce events including Christmas in Harwich.

**CONSENT AGENDA**

- A. Vote to confirm the appointment of Robert Doane as the Historic District/Historical Commission's representative to the Community Preservation Committee

Mr. McManus moved approval of the Consent Agenda and adoption of the item thereon with a term to expire of June 30, 2019. 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. Housing Authority

John Stewart, Executive Director of the Housing Authority, provided the annual report of the Housing Authority and took questions and comments from the Board. It was agreed to put a public notice in the newspaper to hold a joint meeting in an effort to fill the two current vacancies.

## 2. Water Commissioners

Mr. Thompson, Chair, delivered the annual report of the Board of Water Commissioners and took questions and comments from the Board.

### B. Cold Brook Attenuation Project – video

Mr. Lach of the Harwich Conservation Trust presented a video overview of the Cold Brook Attenuation Project.

## **NEW BUSINESS**

### A. Second meters for homes that have irrigation systems – discussion

Mr. Pelletier made the following statement:

The Board (of Water Commissioners) did vote to support the installation of irrigation water meters but they still need to work out the details. We are anticipating the Water Department will still bill and read the same meter they always have and they will be allowing residents who are connected to the sewer system to get a separate irrigation meter which will be read and deducted from the master meter. That is our plan moving forward.

He said the most logical thing to do is to bill people for what they're using going in and bill people for what we're treating on the way out.

He took questions from the Board regarding billing software. Mr. MacAskill said it was great news. Mr. Howell recommended that people take care of any leaks they may have sooner rather than later.

### B. Capital Outlay votes – update

Mr. Clark thanked the Capital Outlay Committee who he said have gone through all the items and have their recommendations ready which are included in the Board's packets. He said he would like to have a summary version and complete version as an appendix for the warrant as he did last year. Mr. Howell said this still co-mingles things that are not capital items on the capital plan and asked for items \$50,000 and above that we anticipate borrowing for. The Board took questions and comments from Noreen Donahue regarding a hardship fund for hooking up to sewer service and said she is hoping there will be a provision in the plan for this. Mr. Clark discussed a concept, he said if the statute is clear and says you can do up to 2% over what you borrow money at, if the Town came up with \$100,000 and funded it by free cash so there is no borrowing cost and sent to the County for the County to administer and dedicate it to Harwich residents, we could ask the County if they could do 1% administrative costs, then people could borrow at the 1% and it wouldn't require special legislation. Mr. McManus said you could do it as a one year exclusion as

well. Mr. Clark said he would like to speak to the County about this. The Board agreed to discuss these items at a later meeting.

#### C. 2018 Holiday Hours

Mr. Howell moved to accept the recommendation of the Town Administrator and that we give the Town employees the 21<sup>st</sup> off as a half day and the 24<sup>th</sup> of December off as a full day. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

#### D. Appointments to the Harwich Center Initiative Committee – terms expire on December 31, 2019

1. Lincoln Hooper; 2. Paul Doane; 3. Lane Meehan; 4. Dan Wolf

Mr. MacAskill noted that all were interviewed last week and we are still looking for two more people. Mr. Ballantine said the first meeting of the Committee is November 27<sup>th</sup> at 4:00 p.m. Mr. Howell moved to approve the nominations of Lincoln Hooper, Paul Doane, Lane Meehan and Dan Wolf as members of the Harwich Center Initiative Committee with terms all to expire December 31, 2019. Mr. MacAskill seconded the motion. Mr. McManus said he has a long involvement with the previous Harwich Center committee and he intends to attend the meetings and provide historical perspective as questions come up. The motion carried by a unanimous vote.

### OLD BUSINESS

#### A. Special Legislation – Water/Wastewater Commission Charter amendments

Mr. Clark made the following statement:

We had at Town Meeting last year an effort to try to create the Water and Wastewater Commission. That does require a Charter change so there was Charter change language that was put together. We obviously didn't get that material vetted and carefully reviewed so I wanted to at least bring up the same language that was presented before. I know that we did have Mr. Pelletier and myself meet with John Giorgio and I was at Town Meeting and I think one of the focal points of some of the discussion on the language was that there is a sentence in here that says that "following initial approval the Town Administrator would be responsible for overseeing all expenditures." I think what that was attempting to do was just to kind of acknowledge the role of the Town Administrator as Chief Procurement Officer but in discussion I think it's probably safest just to take it out. Why restate what's already stated in the Charter. So I know at least from discussions that Dan (Pelletier) and I had as well as with Attorney Giorgio, we don't have any issue with removing that language but I think it does have some merit to just make sure we have a discussion in public so that way as we build the warrant to try to get the warrant done a little bit early and we start to go with the work that was done last year, make the revision and see if we can kind of move this forward to make sure we are in the wastewater business. I think just for the general public the concept behind this and what this accomplishes, or the intent of it, is that the Board of Selectmen would retain the capital authority and the regulatory authority for rules and regs to design out and build a system and then once the system becomes operational and online, the Water Department already does an outstanding job of billing and monitoring and overseeing the water system and then that this

would have that authority would go to a new Water/Wastewater Commission, the language in here does keep it as an elected body and it moves from three members I believe to five members so that's just really because they're taking on additional responsibility. The thought was to have some additional members to kind of maybe have some of that diversity of opinion in the deliberations but I think that's what this is attempting to accomplish. I think the language gets us to hopefully where we need to be but there may be some tweaks that may need to be done to it but I think it would be good to commence a discussion and see if we can get this thing finalized so we can put the warrant together.

Mr. Howell made the following statement:

Several things, the first one is this never made its way through the Charter and By-Law Committee last year in addition to what was said on Town Meeting floor so that has to happen. I mean this is a pretty significant change. Secondly, I'm a little mystified about the way its listed in the agenda, I'm not reading into anything, but it says Special Legislation, but this is being done by going to Town Meeting, getting 2/3 vote and then coming back to the Town election again the subsequent year like we always used to do it so it's not Special Legislation not withstanding whatever the agenda says. Finally, from just at the very top, I suggest that I already have a change "Amend the Town of Harwich Charter to Change the Name of the Water Commission and Water/Wastewater Commission." I suggest that we also add the words "and to Add Additional Duties and Responsibilities Thereto." It's not a name change, it's actually a significant job change.

Mr. MacAskill questioned how long they are going to wait for this and what's the shortest route. He said we need to think about Special Legislation if it is quicker or meet with the Water Commissioners and see how we can put this in place sooner.

Mr. Howell stated the following:

But to what point because they're not going to be taking over the system until its built. We're not even going to be starting to build until this May and there isn't going to be anything to be able to hand over to them to operate until this would go to the next Town year's election.

Mr. MacAskill stated the following:

I think to the point Don, that right now the only person at the helm on this now is the Town Administrator and we the Board of Selectmen aren't going to put this together, certainly we're going to be in control of this but we're not going to do the work. Two weeks ago unless I'm mistaken, our conversation was whose going to run this whole thing now, not whose going to run this who thing in two years.

Mr. Clark said he just wants to get the language squared away for Town Meeting this year and for the Town election the following year.

Mr. Thompson said he could see going ahead and getting it done sooner rather than later. He said he agrees with taking the language out, it's pretty straightforward and he can see going ahead with the article. This was the consensus of the Board as stated by Chairman Kavanagh.

Mr. Clark said he would amend that language and put in there that there is more detail than just a name change.

Mr. Thompson stated that if Mr. Pelletier is going to oversee project, he would look to see that the Board fund some portion of his salary for that time that he can draw on as well as any expenses he might need so it doesn't fall on the Water Enterprise Fund. Mr. Clark responded that the Town approved the Sewer Enterprise Fund and Mr. Pelletier's time could come out of that as well. Mr. Clark said we could legally do it but having this Charter change in place makes more sense legally.

Mr. Howell said the Water Commissioners would have to agenda and vote approval of this language and then send to the Board so they can forward it to the Charter Committee.

Mr. Clark said he would make the revisions and ask to have it on both agendas.

#### B. 4 Central Avenue amendment

Chairman Kavanagh noted that this was discussed in Executive Session. She explained that Town Meeting voted to dispose of the property known as 4 Central Avenue and the process to do so was conducted. She stated that a bid was received and in the details of putting together the Purchase and Sale, there was a concern, and actually in the documents for the bid we did put in that we didn't want someone to acquire a small piece of property that's really only available for parking a couple of vehicles on and have them attempt to construct something, so we did amend the bid process to say the land would stay in its natural state, and there was a request from the winning bidder to park cars on it and use it for when guests come so the topic in Executive Session was to make those revisions to the Purchase and Sale, so now we can schedule the closing.

#### C. Recruitment of Interim Housing Authority member discussion

Mr. Clark said there was an ad out on October 18 to see if someone has an interest in this. Mr. Howell noted that the ad is separate and distinct from the legal ad that we are going to hold a public hearing.

#### D. Parking Committee status

Mr. Howell stated the following:

We have got to the point where we've got five. We've got three people from the community, I guess there was one business and two residents. John Mahan still has to be sworn in. We appointed him but he didn't. We have to send out letters even though they're only going to go inside the building for one of them. There is no appointment necessary because we approved ex-officio by job title in the charge that we approved, the Town Planner, the Executive Director of the Chamber. What they do need from us is a letter because of the approval so they can get sworn in. When John gets sworn in they can actually meet.

He encouraged people to apply and Chairman Kavanagh said it is a priority.

## **TOWN ADMINISTRATOR'S REPORT**

### **A. IT update**

Mr. Clark reported that there are two parts to our contract with the County, to do an overall review of our system and to provide back-up services to our IT Director. He said Mr. Travers from the County will be making a report shortly.

### **B. Affordable Housing Trust update**

Mr. Clark reported that they had their first meeting last week. He said he volunteered to be Chair and Mr. Howell agreed to be Vice-Chair. He said they are focusing on anything they need for Town Meeting and will probably be looking at parcels under Town control that we could use for affordable housing and will be bringing back in form of a warrant article.

### **C. CWSRF 4424 – Financing eligibility for construction of a sewer line to the Chatham wastewater system**

Mr. Clark reported that we got a letter from DEP on the zero interest rate for which we have received preliminary approval. He stated that the savings would be \$16,000,000 which is a big win for the community.

### **D. Supplemental Chapter 90 apportionment**

Mr. Clark reported that we received an additional \$136,000 Chapter 90 apportionment.

### **E. Departmental Reports**

There was no action on this item.

## **ADJOURNMENT**

Mr. Ballantine moved to adjourn at 8:05 p.m. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel  
Recording Secretary

## Related Documents - Nov. 19, 2018 BOS Meeting

- 01 Agenda.pdf
- 02 HDHC representative to CPC.pdf
- 03 Annual Rpt - Housing Authority.pdf
- 04 Capital Outlay Summary.pdf
- 05 Holiday Hours.pdf
- 06 Appointments.pdf
- 08 Water Wastewater Charter Amendments.pdf
- 09 Housing Authority Vacancies.pdf
- 10 Harwich Port Parking Committee.pdf
- 11 TA Report - CWSRF 4424.pdf
- 12 TA Report - Chapter 90 Funding.pdf
- 13 Dept Report.pdf