



APPROVED

RELEASED

MINUTES
SELECTMEN'S MEETING
GRIFFIN MEETING ROOM
Monday, February 24, 2020
6:30 P.M.

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

ALSO PARTICIPATING: Acting Town Administrator Joseph Powers.

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 6:15 pm for an Executive Session, in which they discussed and voted to extend Chief Norm Clarke's contract until July 18, 2020, that's an 18 day extension. He said that it does not sound like a big deal, but it acknowledges that Chief Clarke has been working for the Town for 43 years. Mr. Ballantine said that they also discussed contract strategy in preparation for negotiations of non-union personnel and these included discussions were regarding the Police Chief and Finance Director. He said that they asked for some additional information and those discussions will continue.

WEEKLY BRIEFING

A. Sewerage Work Improvement Phase 2 – Contract #1 – Construction Schedule – Weekly Update

Mr. Powers said that this is for Phase 2, Contract 1, which is the work being done by Robert B. Our. The one week look ahead for this week, February 24th, Mainline Sewer Crew # 1, will be commencing a gravity sewer installation on Alexander Chase; as well as doing work around the area of Route 137 and Route 39. Mainline Sewer Crew # 2 will continue to work on Route 137. Next week, Mainline Sewer Crew # 1 will continue on Alexander Chase, then Halls Path, and then going again to Route 137 and Route 39. Mainline Sewer Crew # 2 will be moving on to Route 137 and the week of March 7th, they are expected to be working through the intersection of Route 137 and Route 39, and again all the work around Route 137, will necessitate detours. The three week look ahead for, week of March 9th, Mainline Sewer Crew # 1, will

continue on Hall's Path then move to Chris Jobeth and continue working with the subcontractors around 137 and 39 and Mainline Sewer Crew # 2 will continue installation on Route 137, again detours still in place.

B. Sewerage Work Improvement Phase 2 – Contract #2 – Construction Schedule

Mr. Powers provided the update for Phase 2, Contract 2, which is being performed by RJV Construction Corp. For this week they are focused on Sou'West Drive, and the work will necessitate road closures between 137 and Church Street. He said that the work on Sou'West Drive will continue through the week of March 2nd. The week of March 9th, they will finish up on Sou'West Drive, and then they will progress to Nor'East Drive, and their second crew will be put into operation and will be working on Church Street. There will be detours between Route 137 and Church Street, and then the second crew will impact Bay Road near Queen Anne.

PUBLIC COMMENTS/ANNOUNCEMENTS

None

PUBLIC HEARINGS/PRESENTATIONS

A. Vote to Modify Beachlight LLC DBA The Seal Pub and Café Entertainment License; From: 6:00 AM - 1:00 AM To: 6:00 AM to 12:00 AM

Mr. Power said that this is under a Public Hearing, to modify the entertainment license for The Seal Pub and Café. He said that the Board had approved an entertainment license, back in January, for Beachlight LLC, DBA The Seal Pub and Café, which is the establishment formerly known as Reds. He said that the application was for recorded, or live music with use of amplification; but they had requested for weekdays between 6:00 a.m. and 1:00 a.m., specifically for recorded music, acoustic live music, and karaoke. Mr. Powers said that the Board had raised some questions about that, and the Board's vote was to grant the license consistent with the recommendation of the Police Chief. He said that they have a memorandum from the Chief, dated February 5th, where the Police Department is asking that the license go until midnight, with an overall stop time for 1:00 a.m. He said that he had spoken earlier with the Police Chief, Deputy Police Chief and the Manager of Record for the Seal

Pub, Mr. Bob Young. He said that because this was done at a hearing, any correction to the license, needs to be done through a public hearing, with action from the Board.

Mr. Ballantine asked if there were any comments?

Mr. MacAskill moved that they close the public hearing. Seconded by Mr. McManus. All in favor.

Mr. MacAskill moved that they modify the Beachlight LLC DBA The Seal Pub and Café Entertainment License; From: 6:00 AM - 1:00 AM To: 6:00 AM to 12:00 AM. Seconded by Mr. McManus for discussion.

Mr. Ballantine explained that previously they had some concern about moving this to 1 a.m. and it not being consistent throughout the town.

Mr. Powers said that Mr. Young had asked to confirm what Red's was held to, and Mr. Powers said that they had been held to midnight, which has been consistent for that property.

Mr. McManus asked to confirm where the music was going to be, which was confirmed to be all inside. He understood the stopping of live music, or karaoke, but he was not sure about not allowing any type of recorded music until closing.

Mr. MacAskill said that the Police Chief was there, and perhaps they could hear from him. He said that this was a topic that they had discussed a couple of years ago, and then again last year. He said the Police Chief felt strongly, for his officers, that it was better if they stopped at midnight, to start to clear the place out, rather than 1:00 a.m.

Mr. David Guillemette, Chief of Police, said that it was in 2016 when they were talking about the regulations and the entertainment license regulations. He said that he had been asked for his opinion and he explained that they had an incident where they had a place that was pretty much out of control right at 1:00 a.m., with live entertainment still going on. He said that he had asked for a one-hour cooling down period, so that is where that came from, and that was his opinion. Chief Guillemette said that they had a good meeting with Mr. Young, and he understands his approach. He said that there is a difference between live entertainment and recorded music, however, if you get a DJ

going, that could be almost the same or worse than a live band or karaoke. Chief Guillemette said that was his opinion and he would stick with that and believes that a one-hour cooling down period is appropriate in order to maintain control of the establishments, and maintain uniformity. He added that if the Board wanted to consider mentioning in the regulation background music, he would not have a problem with that.

Mr. McManus said that he would consider a DJ to be live music, and said that other establishments, with exterior venues, are supposed to shut down at 10:00 pm.

Mr. Ballantine said that he would like to stick with this, and Mr. Ford agreed, because they need to have consistency between the establishments.

All in favor, motion carried by unanimous vote.

NEW BUSINESS

A. Confirmation of vote to amend Fire Chiefs contract

Mr. Ballantine confirmed that this was a vote to amend the Fire Chief's contract and was voted on during Executive Session.

B. Annual Meeting with the Board

1. Noise Containment Committee (Ad Hoc)

Ms. Angela McNamara, Chair, Harwich Ad Hoc Noise Containment Committee, said that she is joined by Mr. Bob Cohn, Vice Chair, Mr. Walter Mason, Ms. Fran Rich, and Ms. Cindi Williams, Harwich Chamber of Commerce. She said that she wanted to start by thanking the Chief, Deputy Chief and Mr. MacAskill, for always being there for them. She said that they have responded quickly to any questions they have had and they really appreciate that. Ms. McNamara said that they also have members of the committee not present, Jake Domos, who represents Ember and The Port, and Heather Murphy of Murphy's General Store.

Ms. McNamara said that attendance by committee members has been excellent, there are currently no openings on the committee, and

agendas are or will be posted. They have had a total of 10 meetings, five of which had public participation. She said that they met with local business owners, and concerned residents, who have participated in their discussions and understandings of the issues. She said that there have been many issues brought forward to the committee and after several months of lengthy discussions, they have narrowed the concerns down to the following: 1. volume of the music, 2. violation timeline, 3. what is plainly audible, 4. reduction in residents involvement in enforcement, and 5. improving communication between affected residents and business owners. Ms. McNamara said that then they discussed the possible solutions, which included: 1. defining what is plainly audible, 2. possibility of requiring decibel units for outdoor entertainment, 3. noise mitigation techniques, for example, speaker placement and sound barriers, 4. a review of penalties for a business, when they could immediately accept and serve their sanction or opt for an informal hearing, 5. the improvement of self-policing by business owners, and 6. looking into ways to improve communication between business owners and residents.

She said that they have had spirited debates on the topic and have not come to any definitive or satisfactory conclusions for business owners and residents. However, they have made progress and identified what might be workable solutions and found commonality in several areas. She said that their major sticking point has been defining what is plainly audible, and if they should keep the definition as it is in the bylaws, or redefine it. Ms. McNamara said that they will continue to work on that and other areas of contention, and would like to thank the Board of Selectmen. She also wanted to mention that the owners of Ember, The Port and Perks have been very forthcoming and shown a desire to be part of the conversation and solution. The residents that have taken the time to be involved in the process have been wonderful to work with.

Mr. Ballantine thanked her and said that ten meetings is a lot and they have done a great job.

Mr. MacAskill said that he just wanted to thank all of the members of the committee, past and present. He said that they have done a great job, and he agrees that the residents have been very involved in the process. He said that there has been some contention on some of the issues, and the Board really needs to start diving into the definition of

plainly audible. He also agrees that the punishments took a long time and that was a great source of frustration for the public, and there are working on that. He said that this is one of their tougher committees but he does think that they have a good, fair and balanced group.

Mr. Ballantine asked Ms. McNamara about increasing the interaction between businesses in the neighborhood; and if they had given any thought about having monthly meetings or something more formal?

Ms. McNamara said not really. She said that it is summer time and what they are really looking for is having the residents feel like they can have a contact person at the business that they can reach if the music or noise is too loud. She said someone that would listen to their complaint, and act on it, instead of calling directly to the Police Department, and keep it more informal. They have been looking at several different ways of doing that, but have not come to a consensus yet.

Mr. Ford asked if she had a sense of when they might have recommendations?

Ms. McNamara said by March 31st.

Mr. Bob Nickerson said that he has a memorandum that he will read through and he is happy to share it with anyone afterwards. He said that first he would like to extend his appreciation to the Noise Committee, for their effort and recommendations to the Board of Selectmen, to improve the current situation related to outside music. He said that over the past six months there has been a great deal of discussion about possible solutions that might result in meeting entertainment license and noise requirements. Mr. Nickerson said to recap the liquor license regulation, Section 109e, Outside Entertainment: the noise from entertainment must be reasonable, at reasonable sound levels, which are not plainly audible at a distance of 150 feet from boundary line or source of sound amplification system, whichever is further.

Mr. Nickerson said that since it was unclear on what the group would present, he felt that he needed to present some points that he felt the Board of Selectmen should be aware of. He said that the Board of

Selectmen has the final decision on any changes to the liquor license. He applauds the Noise Committee on identifying possible solutions, which venues might employ to meet the plainly audible noise requirement. He said that he suggests that the committee summarize this information into a document with references, if available, to be shared with any venue interested. The document would not be all-inclusive, but provide possible solutions the venues may want to employ. He said that he would not suggest that the Town should dictate solutions, but that the onus should be on the venue to meet the noise limits.

Mr. Nickerson said the key issues, from his point of view, are consistency by the officers in determining violation, elapsed time and effort in final determination of the violation, and consistency on how violations will be treated. He said with great respect to the Chief, he knows it is a struggle to get consistency in defining plainly audible noise, but he disagrees with the standard of being able to hear the words to a song. He would suggest that a more consistent method to monitor volume limits needs to be in place. He said one example that has been discussed is the detection of rhythmic bass component of the music, and is sufficient to verify plainly audible sound. He said this is one definition that could be used, but they need something that the Chief can hang his hat on. He said it is a challenge, but is a key issue to the solution.

Mr. Nickerson said that next is monitoring consistently the audible noise. As noted on the entertainment license, plainly audible at distance 150 feet, from the source or boundary. However if the owner has property both inside and outside, a violation can occur on said property, and this is a very important clarification, it's a number of residential properties within the perimeter. So, the officer must consider if the entire property is within the 150 foot audible noise. He said that this is really important to people close to venues downtown. This is because they are in their backyard, and if they are more than 150 feet, sometimes the officer determines they are not included, because the 150 feet is at the edge of the property. Mr. Nickerson explained the current path for issuing a violation, as he understands it, being; a verbal notification by the officer when the violation occurred, written report to the case file, a letter from Lieutenant John Sullivan informing the owner of the violation, all the documentation sent to the Board of Selectmen for a

decision on who the hearing officer will be, scheduling the hearing with the Town's legal counsel and the venue, and the memo determining the decision of the hearing with the penalty defined. He said this elapsed time has been four to six months.

Mr. Nickerson said he had proposed an alternate procedure that provides benefits to the police, the venues, and residents. He said that the concept is a fast-track violation process, which clearly defines penalties and it is envisioned to become part of the liquor license. He said that the draft procedure for a violation that occurs offers certain options. The officer will write up the case report and sends a letter, by email or mail, to the venue informing them of the violation within two days. The venue then has the option of a hearing, which is the same process as now, or accept the violation within three days. The key to this process is less stringent violations, fast-tracking the process, would add some relief to the Police and Town Administrator, and significantly reduce paperwork and man hours. The elapsed time could be done in one week. He continued to explain that once an establishment would get to a certain number of violations, the fast-track would no longer be an option and require a hearing. The benefit to this approach provides a timely response to the violation, all parties can read and know exactly what the violations are before accepted.

Mr. Ballantine asked about receiving copies of the memo, and said that he likes where the discussion is going. He said they are looking at a first line of action with more of an informal discussion. He said that he likes that because they are all one town, and they should be working together. He said that there is more work to do, but it is a great discussion and he thought the template works well.

Mr. Nickerson said that he didn't bring this up to override what they're trying to do, but it's difficult to have a communication with the Noise Containment Committee because of the short time frame a public comment.

Mr. Ballantine said that he thought it all rolled together, in his mind. He asked if there were any other comments, hearing none he thanked them and said that he looks forward to further discussion on these issues.

- C. Vote to approve transfer of Seasonal All Alcohol Liquor License from 10 Yen LLC DBA Ten Yen, Manager Michael Jacek to 554 Street Bar LLC LBD Three Monkeys, Manager Michael Jacek

Mr. MacAskill moved to approve the transfer of the Seasonal All Alcohol Liquor License from 10 Yen LLC DBA Ten Yen, Manager Michael Jacek to 554 Street Bar LLC LBD Three Monkeys, Manager Michael Jacek. Seconded by Mr. McManus.

Mr. Michael Jacek, Manager, Ten Yen, said that he was there to answer any questions, and happy to talk as much, as or as little, as they would like.

Mr. Powers said for clarification, that the first item is to actually transfer those seasonal license from one establishment to the next, and then based on that, allow them to alter the premises under the new company name.

Mr. McManus asked how much seating is there?

Mr. Jacek said that they have 71 seats in total, after the transformation. He said that before they had 40, but are taking over the Bucky's space, which is much bigger than Ten Yen, so per square footage, the seating is actually less. He further explained that previously they were just at Ten Yen, and then they added the outside of Bucky's and the front space at Cranberry Jewelers. Therefore, they will have the whole front brick area and goes from 20 to 34 in total outside.

All in favor, motion carried by unanimous vote.

- D. Vote to approve the application for alteration of Premises to 554 Street Bar LLC DBA Three Monkeys, Manager Michael Jacek

Mr. MacAskill moved to approve the application for alteration of the premises to 554 Street Bar LLC DBA Three Monkeys, Manager Michael Jacek. Seconded by Mr. Howell.

Mr. McManus asked what the configuration is for the restrooms on the floor plan?

Mr. Jacek said that there are communal restrooms behind the restaurant, which is for use of the building. He said that they pay to keep them maintained, and per Board of Health, they are more than enough to satisfy the seating.

Mr. McManus said that they can approve it tonight, but he would like Mr. Jacek to submit an updated floor plan showing where the restrooms are, and the access.

Mr. MacAskill said that they would have had to submit this to the Board of Health, so they should be able to get that from staff.

Mr. Jacek confirmed, and said that they had not included the restroom, but can certainly do that.

Mr. Powers said that Mr. Jacek and his partners, had come before the Community Development team, several months ago. He said that they have been working through the regulatory bodies for all their approvals, and he wanted to point out that it is particularly helpful to the Town, the manner in which they've done the outside seating. He said that it is a very well defined licensed establishment, from the exterior which is going to be helpful for police, and anyone else, for enforcement, if that is ever needed.

Mr. McManus asked what was happening with Cranberry Jewelers?

Mr. Jacek said that they are changing locations to a smaller space. Mr. Jacek said that they are leasing that space starting March 1st, and really just got that space for the patio and would likely be utilizing the interior for storage.

Mr. Powers asked if there was any intention to store alcohol in that area?

Mr. Jacek said no.

All in favor, motion carried by unanimous vote.

- E. Vote to Approve Seasonal Lodging House License 2020; DZ Hospitality, LLC DBA Handkerchief Shoals Inn, 888 Route 28, South Harwich

Mr. MacAskill moved that they approve the Seasonal Lodging House License 2020; DZ Hospitality, LLC DBA Handkerchief Shoals Inn, 888 Route 28, South Harwich. Seconded by Mr. McManus

All in favor, motion carried by unanimous vote.

- F. Discussion and possible vote to recommend Article XX regarding an amendment to the Agreement Between the Towns of Chatham and Harwich with respect to the formation of a Regional School District

Mr. Powers said that he wanted to make one note, and said that it is meant to be "xx", not roman numerals. He said that in this case, they have not numbered them yet. He said that he made the same mistake with staff.

Mr. Howell said that he had a couple of comments. He said the first one is a housekeeping one in section III.D., under the highlighted changes there is a sentence fragment.

Ms. Katie Iernio, Business Manager, Monomoy Regional School District, asked if he was on the red line version and said that the final draft is what they had voted on. She said that the final draft was in their packet.

Mr. Howell said that if he was going to look at a final, he would like to see what changes were made. He continued to review the changes and explained that the value of the red line, is that you can see what is going out and what is coming in. He asked if they could do a red line, that is actually a final?

Ms. Iernio said that they could do that.

Mr. Howell said that he is wondering why they would not be making a change to be consistent with Section VI, because they could conceivably change the configuration of the Elementary School, to radically alter the grade structure.

Ms. Iernio said that is from the original Regional Agreement.

Dr. Scott Carpenter, Superintendent, Monomoy Regional School District, said that this is one of the things he would like to emphasize, that the Regional Agreement is very clear, that the district will maintain an elementary school in each town. He said that the agreement allows for flexibility to where the grade configurations can be, and that is what the part of the agreement is trying to say.

Mr. Howell said that he did not understand that, but figured if they were going through the trouble of amending the agreement, that this could be an opportunity to fix it. He said that it seems they are empowering themselves in one spot to do something, and another place in the agreement requires Town Meeting to do it.

Ms. Isernio said that it is not an intention of trying to empower them to do anything without Town Meeting vote. She said that when this was originally crafted, as Dr. Carpenter was mentioning, when the region was put together there was the conversation of the eighth grade going at the high school, versus at the middle school. She said that was one of the first decisions that the interim school committee made, was to have the eighth grade go to the high school, in order to create the population. Ms. Isernio explained to Mr. Howell, that secondary is the high school and would be considered anything that is not elementary school.

Mr. Howell said that he was suggesting to keep it consistent with Section 16, and that they could agree there are certain things that cannot be done without a Town Meeting vote.

Dr. Carpenter agreed, and Ms. Isernio said that section 4D, may be where part of the confusion and under 4C, it says that the elementary will serve those grades K - 4, and 4D, it says the middle and high schools, i.e. secondary, which serves students grades 5 through 12. She said that 4F, says that at the discretion of the committee, they can change that grade configuration, without the need for an amendment. Ms. Isernio said that there are no plans or conversations for this.

Mr. Ballantine said that it looks like sections 4C and 4D, what they are referring to is very specific and questioned them arguing that they are trying to make it somewhat not specific, to give some range of latitude.

Ms. Isernio said that it made perfect sense to her, because it is what they do all the time and that it was the language that was in the original regional agreement. She said that they thought it was okay because, it is something that they do with calling it a secondary school.

Mr. Howell said that it appeared to have been flagged, because in the border it has a slash mark, which would indicate it was amended and what drew his attention to it.

Dr. Carpenter said that he thought they need to keep it in mind the history, and that this is the initial regional agreement and was put out there for two communities to understand. He said that one of the things that they are trying to do in this revision is to remove a lot of the regionalization, the stuff that is now obsolete.

Mr. Howell said that the sales point for both towns, was that they would have their own elementary school.

Ms. Isernio said that line is in there.

Mr. Howell said that he gets that, but it also allows them to change the configuration of it.

Mr. Ballantine said that they have probably carried this as far as they can tonight, and asked if they want to take another stab at it to make the clarifications?

Ms. Isernio said that at this point it has been voted on by their committee, and the Chatham Board of Selectmen, as is. She said that she does not know what the process would be for them to be able to do it again, prior to being finalized for any warrants.

Mr. Howell said that he has one substantive question beyond what they have been talking about, under section 9, Capital Loss. He said that he can understand if they had this discussion earlier, when they are building a building, they would wrap into the SBA loan and open up a brand new place, but subsequent to that, this thing is actually holding out the thought that all the furnishings to be capital costs.

Dr. Carpenter said that the way they do their budget presentations, is anything that involves their facilities, and their budget presentation, comes under capital. He said that an example of this, which is specific to Harwich Elementary School, is that they put new flooring system in the school and did a major renovation in the cafeteria. He said that was in their budget presentation as capital, and was assessed based on the foundation enrollment of the school district.

Mr. Howell said that is commonly held as capital, but he is just saying that to outfit two classrooms, that would be forty desks, which is capital.

Dr. Carpenter said that the way the MSBA construction projects go, the FF&E, Furniture, Fixtures and Equipment, would show up as part of those big projects. However, he clarified that forty desks would be built into annual budgets, within the building as principles.

Mr. Howell said that this is this is their language, and it's not saying that. He said that it says, including without limitation the cost of "original", so it is not for something new or expanded, including, without limitation, the cost of equipment and furnishings for such school buildings, or plans for additions. It seems to indicate that the furnishings is for capital outlay, that's the new language.

Dr. Carpenter said that he would stress again that there are no plans to build a new school. However, when you build a new school the FF&E, which are those fixtures and equipment which is part of that capital outlay.

Mr. Ford said that Dr. Carpenter is correct, that it references either a major reconstruction or a new construction that that would be included. So, if there was a situation of just looking for 40 desks, he would think it would be considered separate from what this is stating. He said that if they look at the beginning of that paragraph, it defines that it's the cost of constructing reconstructing or adding to a school building or buildings the cost of remodeling or making extraordinary repairs, and then it adds to that, potentially the furnishings, if it's part of that.

Dr. Carpenter said that he would also point out that they would buy the desks out of the operational budget. He said that the operational part of their budget is assessed the exact same way, as capital is defined here.

Mr. Howell asked if there was anything else that got changed, and Ms. Isernio said that they went over it line by line to have them match up as best as possible.

Mr. McManus moved that they recommend the draft document as presented to be presented to Town Meeting for approval. Seconded by Mr. Ford.

Motion carried 3-0-1, with Mr. Howell abstaining.

G. Discussion and vote to submit FY2021 budget from Board of Selectmen to Finance Committee

Mr. Powers said that in accordance with the requirements of the Harwich Charter, Chapter 9 - 3 - 2, the Board must vote, on or before, the fourth Tuesday of February to submit a final budget to the Finance Committee. Therefore, he said it is a perfunctory motion by the Board to do exactly that.

Mr. McManus moved that they submit the current FY2021 budget to Finance Committee for their review. Seconded by Mr. Howell.

Mr. MacAskill said that Mr. Powers just used the word "final". He said that they have only had one shot at this budget.

Mr. Ballantine asked if this should be a draft?

Mr. Powers said that the Charter says, submit a final budget to the Finance Committee. However it is also understood that they will have a series of opportunities, not the least of which is the March 7th event, where the Board will be actively involved with the Finance Committee. He said that the actual final budget occurs at the end of March. Mr. Powers said that this is consistent with language in the Charter, so he did not want to change it.

Mr. McManus said that his motion said "current", not final.

All in favor, motion carried by unanimous vote.

TOWN ADMINISTRATOR'S REPORTS

A. Budget/Warrant Timeline FY 2021

Mr. Powers said, as he had just mentioned, they should have received from staff next year's meeting agenda, the present agenda for the Board of Selectmen and the Finance Committee Joint Budget Presentation Hearings, which is scheduled for Saturday March 7, 2020, in the Griffin Room, 8:00 am - 3:00 pm. He said that this is the roster, as the Finance Director, himself, and staff, have it presently. Mr. Powers said that he also want to remind the Board, as he had mentioned during the delivery of the budget message, that

departments that may not have otherwise presented at this event, have been given time, if they were impacted by budget cuts directed by the Town.

Mr. Ballantine asked to confirm that this was being posted for both the Board of Selectmen, and the Finance Committee?

Mr. Powers said that is correct.

Mr. Powers continued his report and said that on Monday, March 9th, they have a joint budget and article hearing, based on the FY21 budget warrant timeline. He said that this will be the first of several between the Board of Selectmen and the Finance Committee. He said that the goal is for Monday, March 23rd, to be the final actions and signatures by the Board, to close out the warrants.

Mr. Powers said he had one final thing, which is to alert the Town, through the Board of Selectmen, that they were advised last week by the Alcoholic Beverage Control Commission, that the seasonal liquor licenses have been sent to the Town. He said that they will begin the renewal process starting next week and the packets will be sent out to all of the licensees tomorrow.

Mr. Howell said that Mr. Powers last topic flows perfectly to what he wanted to say. He said that everyone has been talking about nips and one of the solutions was a 5% deposit, although he is not convinced that will change the trash trail, because they are just so easy to toss. He said that he would like to broach this, because it has not been brought up publicly. He asked if they could get an opinion from their legal counsel about whether they could condition a package store's license, on the exclusion of nips, and what that language might look like. He said if it is legally possible to do it, because now would be the time. Mr. Howell said that everyone was concerned that the deposit would have to go to the legislature and then you would have to hope that if they agreed, that the five cents be enough of a deterrent to stop people from tossing them out their window. He said that they are not trying to prevent people from carrying it with them, and before these small plastic bottles there were flasks and other mechanisms.

Mr. Ballantine noted that Mr. Powers was taking notes, and would likely follow up.

Mr. McManus said that he understood there was a proposal for a nonbinding question, ballot measure, submitted regarding the nuclear power plant?

Ballantine said that he heard that, but he had no knowledge of it himself.

Mr. Powers said that staff did receive a petition, but it is not a petitioned article, so it's handled differently. He said it would be a non-binding referendum type question to appear on the town ballot. It will come before the Board, and it's not required to be placed on the ballot by the Board, unlike a warrant article where the board has no discretion. He said that it will be incorporated in some of the discussions, and they will have a greater latitude on the inclusion of that questions and perhaps some degree the language of the question itself. Therefore, even though it was petitioned to the Board, it is not a requirement of the Board, unlike the warrant articles.

Mr. McManus said that he would like to be sure that they have that discussion, he said that he thinks it is important.

Mr. MacAskill said that he is not sure what Mr. Howell asked, but maybe somebody could just send that out tomorrow? He asked what they are looking to ask Legislature, or the ABCC, about the exclusion of nips?

Mr. Howell said that he wanted to see if the license could exclude the sale of nips, within the issuance of the license.

Mr. MacAskill asked if this is something that Mr. Howell was thinking that they could do this year, without public outcry?

Mr. Howell said possibly, and said that they would start with, if it is even possible.

Mr. MacAskill said second, and more important, is the budget. He said that they have their first crack at this on March 7th, which is a rush, and there is a not a lot of time to dive into a lot of questions because one comes right after the other. He said that they will have another meeting on March 9th, and then the final has to be sent in by March 23rd.

Mr. Powers said that there is a little cushion, and the deadline absolutely is March 30th, to get it sealed and to the printer. He said that is the latest and that is a little bit concerning.

Mr. MacAskill said that what is concerning to him is the lack of looking at the school, and asked if the school will be back before them? He said that they do not need to debate this now, but if he read it correctly the school came in at 2.66%, and the rest of their departments has lost budget, or came in at two or under two. He said that they need to have another crack at the school to talk about their budget, which on the Harwich side is \$25 million, and 2.66%, while the rest of the department heads are bleeding. He said that it seems that they need to have a more serious conversation. Mr. MacAskill said that the original budget proposal showed a 6% increase in health care, however, they had not increase in health care, nor did the school. He said that they took that 6%, after the budget presentation and put it into curriculum, and didn't give it back.

Mr. Powers said if he remembers correctly, the school department had budgeted for a 5% increase. He said that the conversation he had with the Superintendent, two weeks ago, was that there was a remaining 1%, so 4% did go to offset their budget increase, and the remaining 1% was reallocated to curriculum. He said that they did have a frank conversation about their operating budget, and the impacts on staff and departments. He said it is his understanding that the final presentation by the school committee was the following week, and they opted to retain that for curriculum. So, they did do some of the expected increase that did not occur they did put that back to the budget but not the full amount and not what was requested by staff.

Mr. MacAskill said that maybe they should have a conversation, and see where the whole Board is at, and give them some time to adjust it before they put it on the agenda. He said right now he would be a no vote.

Mr. Powers said that they do have the obligation through their agreement, to submit their line-item budget, by Friday.

Mr. Howell said that he agrees with Mr. MacAskill, mainly so that the public can be reminded that there is no correlation to the enrollment in this budget. He said that the enrollment actually went down, so this budget is hard to get your hands around. He said that the percentage cost between the towns, is always fluctuating, but there needs to be a discussion about it. Mr. Howell said that he was kind of stunned, because he didn't realize that there was never going to be an opportunity, ever, for money to be turned back at the end of the year.

Mr. Ballantine said that he understood that they have a final budget on Friday, and asked Mr. Powers if he could invite them to just give us a brief update?

Mr. Powers said that there are required items that need to take place on March 9th there are no required items for the March 16th, meaning they might have more flexibility on that day.

Mr. Ballantine said that he would say to plan for March 16th then.

Mr. Ford asked if they are still able to make adjustments in their budget, at this point, or did they vote on their final budget themselves? He asked if there was something that could actually happen as a result of a discussion? He said, as Mr. MacAskill had pointed out, they did have some questions when they were here that have not been answered. He said at the very least, they need to have those answered.

Mr. Ford said that he also wanted to comment to Mr. McManus, on the petition for the nuclear power plant. He said that he is aware of it, and as he understands it, it mainly relates to showing the Governor that they want safety procedures to be the greatest possible safety procedures that can be put in place at Pilgrim, which relates to how they contain the waste at the site. He said that they ought to take it seriously and let the voters of the Town have a chance to look at it as well.

Mr. Jack Brown, Finance Committee, said that he is looking at this timeline and wondering when the Finance Committee can get started. He said that they were supposed to have articles submitted to them, according to this schedule tonight, and they were supposed to have the final budget figures from the Selectmen to the Finance Committee.

Mr. Howell and Mr. Powers explained that the budget was voted on last week, and presented to the Finance Committee.

Mr. MacAskill said that it was voted on at the meeting last week, which Mr. Brown had attended. He said to his recollection, of the past few years, is that the Board has had suggestions on the budget right up until Town Meeting. He said the Finance Committee certainly isn't being held up by the Board.

Mr. Brown said that he does not feel like they have received any information or data yet.

Mr. Ballantine asked Mr. Powers to double check and make sure that it got transmitted, and maybe it just has not gotten to the right place.

Mr. MacAskill confirmed that Ms. Coppola, Finance Director sent out an email with ever member of the Finance Committee on it. He said that he was confused and asked if Mr. Brown is saying that he has not received the budget at all?

Mr. Brown said that he did have the nice booklet that Ms. Coppola had put together, but did not know if it was right up to the moment.

Mr. MacAskill and Mr. Ford said that the booklet is the budget, and it is right up to the moment.

Mr. McManus said that several years ago they changed the Charter, and moved back the dates, because they felt they were rushing everything by having the budget come in in January, and the articles come in at the beginning of January. He said that they have moved them back, and all they have really done is to compress the time they have to review it. He said he thought they were probably better off having the requirement that the stuff came in earlier.

Mr. Powers asked for clarification, if the Board was looking for a joint meeting between the School Committee and the Board?

Mr. Ballantine confirmed.

SELECTMEN'S REPORT

Mr. Ballantine said that this Thursday, at 6:00 pm, at the Station Avenue Elementary School, they will be having a three town meeting considering the Dennis, Harwich, Yarmouth Wastewater discussion. He said that it is specifically for an update of where they are in the agreement and some ideas of what actions they need to continue the discussion.

ADJOURNMENT

Mr. MacAskill moved that they adjourn at 7:46 pm. Seconded by Mr. McManus.
All in favor, motion carried by unanimous vote.

Respectfully submitted,

Lisa Schwab
Board Secretary

