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HARWICH, MA

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**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN MEETING ROOM  
Monday, March 9, 2020  
6:30 P.M.**

RELEASED

APPROVED

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

**ALSO PARTICIPATING:** Interim Town Administrator Joseph Powers.

**CALL TO ORDER**

Mr. Ballantine opened the meeting at 6:30 pm, and called to order the Board of Selectmen.

**WEEKLY BRIEFING**

- A. Mr. Powers said that he wanted to go out of order for a moment and provide the latest information that has been provided to the Health Department, relative to the coronavirus. He suggested that they may want to consider having this as a weekly update.

Mr. Powers said that as of March 8 2020, which is already dated information, but it is what has been confirmed for the Town and as they get more information they will continue to provide updates. He said as of March 8, 2020 there are currently 28 coronavirus cases in Massachusetts, 27 cases are presumptive positive, and one case is confirmed. He said that Massachusetts also currently has 249 individuals being monitored in quarantine. As of February 28<sup>th</sup>, Massachusetts State Public Health Laboratory received approval to begin testing patients for COVID-19, and they are now seeing higher numbers because Massachusetts is able to test for the virus. Mr. Powers said that they would like to remind people that personal hygiene is currently the best prevention. People need to wash hands with soap and warm water for at least 20 seconds, they should avoid touching eyes, nose, and mouth, clean things that are frequently touched, like doorknobs and countertops with household cleaning spray or wipes, cover mouths when coughing or sneezing, use a tissue or inner elbow, not hands, and stay home

if sick and avoid close contact with others. He said that the general public is advised that the most accurate up-to-date information can be found at the Massachusetts Department of Public Health and the Centers for Disease Control and Prevention.

Mr. Powers said that staff has been regularly working on updates, and information and staff will be working tomorrow, Tuesday, March 10<sup>th</sup>, for a more in-depth discussion on the matter. He said that as soon as they get more information, they will be sharing that with the Board, and the general public.

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

Mr. Powers said that they will have a broader discussion on this in a moment under public hearing and presentations, however the update for Phase 2, Contract 1, which is the work being done by Robert B. Our. The one week look ahead for this week, March 9<sup>th</sup>, Mainline Sewer Crew # 1, will be continuing the gravity sewer installation and they are looking to finish up on Halls Path, and then commencing to Chris Jobeth. Mainline Sewer Crew # 2, will continue their installation work on Route 137, and they are continuing through the intersection of Route 137 and Route 39. They are completing service laterals from the intersection to Continental, and continuing installation of the sewer main towards Austin Road. He said that this week there will be a mix of full and partial detours and again detours exist in that area. The two week look ahead for, week of March 16<sup>th</sup>, Mainline Sewer Crew # 1, will continue to work on Chris Jobeth and Mainline Sewer Crew # 2, will be in and around the Route 137 area.

**C. 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 working on completing sewer work on Nor'East Drive, and working on services for both Sou'West Drive and Nor'East Drive. They expect detours around Route 137 and Church Street. The two week look ahead they are starting sewer work on Church Street and they looking for detours around Bay Road and Queen Anne.

D. Chamber of Commerce – E. Harwich Update – Cyndi Williams, Executive Director, Harwich Chamber of Commerce

Ms. Cyndi Williams, Executive Director, Harwich Chamber of Commerce, explained that it is one of her many jobs to advocate and support their members and their businesses. She said that last week a full media campaign began. She said that there is a full-color ad in The Chronicle, as well as radio spots on Koffee 100.5, which she voiced for their participating businesses. Also, every other day she was in East Harwich doing live Facebook videos.

Ms. Williams said that this campaign is so that everyone knows you can get to the restaurants, shops, and businesses in East Harwich. She said that the business are open and she is asking the public to take a few minutes to get there. She also said that she would like to ask people not to post negative comments on the posts. Yes, it takes a little bit longer, but the employees of these businesses are looking forward to seeing people, so please don't be intimidated by the detour signs. East Harwich is open for business.

## **PUBLIC COMMENTS/ANNOUNCEMENTS**

- A. Mr. Ballantine said that he wanted to go first tonight with public comments, because he just learned this afternoon that Mr. Jack Brown retired from the Finance Committee today, for personal reasons. He said that he wanted to give special recognition as Mr. Brown has been a special friend, which is nothing unique, as he was a special friend to almost everyone in Town. He said that Mr. Brown was on the Finance Committee for many years and he was also involved with Council on Aging and the AG Committee for some time. He said he was also involved with collecting data for the justification of the new fire station in East Harwich. He said he was always involved with Town activities nearly every day.
- B. Ms. Clara McClardy, East Harwich, said she wanted to speak briefly about her concerns about the sewer project, DHY, and housing affordability, and said that she sees them as interconnected. She said that she is a registered nurse and went to Cape Cod Community College. She is also a permaculture gardener and that is really what she is interested in. She said that she understands a lot about pathogens, toxins, nutrients cycle and stuff like that. She explained that she grew up in Harwich among the working class and Harwich is filled with working-class people like herself and her husband, who

is an electrician. She said that Harwich has a lot of working class, unlike some of the neighboring towns, and thinks that it is a really positive strength of this town.

Mr. Ballantine asked if she could keep her comments brief, and they will bring it back as an agenda item, so that they can give it the time it deserves.

Ms. McLardy said that the big picture things are never on the agenda. She said that her discussion is more of a big picture concern that she really feels strongly about. She said that basically she wanted to talk about what happens as the town becomes too expensive for working people, and about how the sewer project is likely to cost a lot more than any of us have agreed to. She said that there are things that she thinks have not been considered, or make the most sense as an ordinary Harwich resident. She said that she can read the CWMP, but it is difficult to understand and she is trying to understand it and from everything she can tell that they have not fully evaluated their options. She said that she is really concerned about the cost, and the way that's going to affect their community. She said that she has a lot of details relating to that, which she would like to share in the future.

- C. Deputy Chief Kevin Considine, Harwich Police Department, said that he just wanted to remind everyone that Saturday at 9:00 am, they will be having their Law Enforcement Torch Run for Special Olympics Massachusetts. He said it is their Polar Plunge. He said that the plunge will take place at 11:00 am, but the festivities will begin at 9:00 am, at Red River Beach. They will have a nice heated tent, and a separate heated tent for changing afterwards. They will have hot coffee, donuts, and some good music. He said that they have raised over \$7,000 so far, which exceeds their goal. He asked everyone to come and support them.
- D. Chief Norm Clark, Harwich Fire Department, said that he wanted to give a brief update because he knows there has been some questions around about the old station. He said that it is scheduled for demolition, but they are waiting for the utilities to be secured and apparently that takes a lot longer than anybody realized. He said that Eversource is due in this week, and National Grid sometime in the near future, and then it will be down. He said it is a bit of an eyesore with the training that was done, but they got some good practice out of it and it is slated to come down.

## **CONSENT AGENDA**

- A. Vote to approve the American Lung Association's Autumn Escape Bike Trek; Friday, September 25, 2020 through Sunday, September 27, 2020
- B. Vote to approve the waiver of a building department fee associated with the Dave Birtwell Memorial Walk for Alzheimer's at Brooks Park on May 9, 202 – (\$55.00 - application fee for the tent)

Mr. Ford moved to vote to approve items A and B above. Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

## **PUBLIC HEARINGS/PRESENTATIONS**

- A. Discussion and possible vote to affirm the wastewater Phase 2 Contract #1 Traffic Control Plan for Routes 39 & 137

Mr. Powers said that he released late yesterday afternoon to the Board and to the interested parties and had tried to get it out to the public as quickly as he could. The memorandum that they have in their packet, regarding a proposed traffic control plan for the sewer sewerage water sewage works improvements, for phase 2, contract 1, relative to Routes 137 and 39. He said he would like to read the memorandum, so that it is out there, because he has talked to folks who are anxious to get into this conversation, and he hopes a recommendation from the Board to focus the discussion around.

Mr. Powers read "This memorandum is a follow-up to my announcement at the March 2, 2020 Board of Selectmen's meeting concerning a discussion to be held on Monday, March 9, 2020 relative to a Traffic Control Plan. This matter is to be heard under Agenda Section VI Public Hearings/Presentations Item A.

This discussion is necessitated by a request of the contractor for the Phase 2 Contract No. 1 project, Robert B. Our Co., Inc. ("RBO") that the Town determine that it is not possible that "...the Contractor will allow for the maintenance of a minimum of one 11-ft lane of traffic for both directions..." as outlined in the contract for the area around East Harwich and Routes 137 and 39 (see documents CDM-1 and CDM-2).

After consultation with appropriate town staff, other contract vendors and representatives from RBO, I have concluded that, for discussion purposes, the Town deems that such determination is not in the Town's best interest. I met with the parties referenced above as well as several representatives from the area's merchants and the Chamber of Commerce on Monday, March 2<sup>nd</sup> to receive input on the RBO request.

I held a meeting with appropriate town staff as well as representatives of RBO, CDM Smith and Weston & Sampson on Wednesday, March 4, 2020 to discuss potential solutions to minimize the impact of the sewer work as it enters the phase section under this contract.

My recommendation for a Traffic Control Plan is articulated in the documents provided by RBO labeled RBO-1 and RBO-2. I have also provided relevant contract and work session minutes 9 for the Board to rely upon during this discussion. Those documents are labeled CDMS-1, CDMS-2, CDMS-3, CDMS-4, CDMS-5 and CDMS-6.

The recommended approach is a "blended work flow" predicated on construction zones within the area of East Harwich along Route 137 between Auston Road and Pleasant Bay Road. All parties reached consensus as to the extent of each construction zone (Zones 1-4) as outlined in the drawing labeled RBO-3.

While the proposed blended work flow approach may necessitate change orders and additional costs (all parties have already agreed to begin work to immediately ascertain cost estimates), I believe this approach is in the best interests of the merchants and residents directly impacted by this work and the taxpayers of the Town of Harwich in general.

**Recommendation:** That the Board of Selectmen vote to affirm the proposed Traffic Control Plan for Sewerage Works Improvements Phase 2, Contract No. 1 relative to Routes 137 & 39 in East Harwich as outlined and presented by the Interim Town Administrator.”

Mr. Powers said that he would like to direct the Board to the first document that's entitled RBO-1 and you can see basically a narrative about what is recommended by the blended workflow. The drawings are based on their being four construction zones. Construction zone one work would progress through the Route 137 and Route 39 intersections, toward Austin Road. The

section of road would be closed to through traffic, the area would be detoured from Austin Road to Route 39, and around the immediate construction zone this work is proposed to take place during daytime work hours. Construction zone number two work would progress up Route 137 from Austin Road in between the Lighthouse Charter School and the Town Paint Plaza. This work would be considered night work, which would start at 9:00 p.m.

Mr. Ballantine asked if Mr. Powers could you give an indication of the time frame that is involved with each of those?

Mr. Powers said that they are talking about with night work, which would be a period between 9:00 p.m. and 6:00 a.m., but they don't have a full emphasis on the days yet. He said that is what they will hear from the general discussion and he believes that the representatives from Robert B Our, as well as the other contract vendors, will speak to more details. He said that he just wanted to get a sense of what the zones were, and what areas that covers. Mr. Powers continued and said again, that construction zone 2 is route 137 from Austin Road, in between Lighthouse Charter School and Town Paint Plaza. This traffic control plan proposes to be night work relative to that area, and there is other discussion that will take place on that zone. He said that construction zone number 3 work would progress from Sherwood Road to just passed Round Cove Road. This was one area where there was unanimous understanding that due to the depths of the sewer main, there is no safe way to get vehicles past the construction operation. Therefore, this is one of the areas where all parties agree that there would be a requirement to close the road and have a detour there. He said that it is simply because there is no way to safely create a lane and to do that work. That area would still be open to residents and residents would be directed by the traffic detail officer. Mr. Powers said that the last of the zones is construction zone 4, and this work would progress from Sherwood Road to just past the Lighthouse Charter School. This would involve a partial detour, and inbound traffic from exit 11, would be allowed through the work zone by potentially driving on the road shoulder area, and outbound traffic would follow a detour around the construction zone.

He said that this is just a high-level dissertation, of the zones. He said that all parties did a great effort, including Robert B Our, CDM Smith and the staff, who always does great work. He said that the issue came about on February 24<sup>th</sup> and so within a short period of time, they were able to assemble everybody for a resident and merchant meeting on March 2<sup>nd</sup>, and then they



had follow-up meetings last week, which now brings them here tonight. Mr. Powers said that this is not a simple matter and this is not a project and a discussion that is without emotion or concerns.

Mr. Powers said that his hope is that they reached a compromise, which they learned on Saturday at the budget meetings. He said that no one is truly happy, but they have achieved a workable compromise, and as they open up for public discussion he hopes that they center it around the recommendation that he is presenting this evening.

Ms. Abigail Rose, Project Manager, Robert B Our Company, said that as they know for the sewer construction project, Robert B Our Company was awarded the project to install a little over 26,000 feet of sewer pipe. She said right now they are about 41% complete. She said that the hardest part is behind them, and when they had met with the merchants, she had tried to express that the deepest, slowest and most destructive piece is over and they are starting to put everything back together. She said that on the opposite side of Route 137, and they are now progressing into the mixed-use of residential and commercial area and that is pretty much the longest stretch of the project, which is the last stretch. Ms. Rose said that she presented to the Town and CDM Smith with what she thought was an appropriate traffic plan, which was a detour by the use of Pleasant Bay Road to Route 39, to go around the construction zone. Ms. Rose said that she presented that for two reasons, one because the sewer is plotted to go on the center of the road, and two because whenever there is an excavation they want to keep the public as far away from our work zone as possible. She said that the through traffic can pose a hazard for the employees and for the people in the vehicles. They had some meetings with the merchants with the Town, and CDM Smith, and there's four very unique setups as far as depth and existing utilities that allowed us to kind of compartmentalize. She said that she gave the town a couple different approaches that they could pick from so they could have a little bit of latitude as far as selecting perhaps night work or some extended work hours. She said that this is not her preferred approach, but everything is workable to a point.

Mr. Powers said that they have representatives from Weston & Sampson, and Michael Judah from CDM Smith, and of course appropriate staff as well. Therefore, they have everyone there that can respond to questions and comments.



Mr. Ballantine said that he sees that some of their merchants and asked if anyone would like to comment?

Mr. Paul Fox, Harwich Pain and Decorating Center, said that this has been difficult for both sides, both for Robert B Our, but also for the merchants and the public. He said that his concern, before construction even started, was how the traffic flow was going to be handled and he was really hoping they could get a great communication started between the police, who are running the details and making sure the traffic was going to be flowing. He said that he wanted to make sure that the details were welcoming and encouraging to letting the traffic flow. He said that he has 30 employees that he is responsible for, and they are year-round. He also has in the plaza Terry's Appliance, Alecsies House of Pizza, and Masjah Studios. He said that is just his plaza, but there are also other stores in the East Harwich area with many employees that that they are responsible for. He said that he began to discover that it looks like there might be detours involved and in his mind, a detour means the stores are closed. They are about to enter into the busiest time of year, speaking for his business, going from about 400 to over a thousand per day, and he is not sure how the detour will be able to accommodate that flow.

Mr. Fox said that he realizes that they are looking at it from two different ways, the business side and the contractor side. The contractor wants no vehicles and the businesses want vehicles to maintain business and take care of their employees. He said that they were always there, they didn't just pop up, and when this was being planned, there must have been some type of thought process for an accommodation. He said that he is happy for what they have now and he thinks that Mr. Powers has done a great job, and their recent meeting with Ms. Rose. He said that he was very happy with Mr. Powers saying he was going to bat for the businesses and at this point, they can't really ask for more than that. However, when it comes time to the detour, and vehicles being turned on Pleasant Bay Road, you might as well be sending them to Truro. Mr. Fox said that he has a lot of great fantastic customers, but loyalty only goes so far. He said that he is willing to compromise, and he wants this project, it's been a long time overdue, but at the same time he has responsibilities and so do the other businesses in this immediate community. He said that this has been on his mind and he knew it would become an issue, and now it is an issue. He understands the nature of construction and one day becomes a few days, but he hopes that nothing gets rubber-stamped and detours put up, when actually creating traffic flow would work.

Mr. Fox said that he would like to thank Ms. Cindi Williams, and does not think that she sleeps! He said that she has been unbelievable in the meetings that he had asked to set up in the past and she has really made sure that they happen. He said that he also appreciates Mr. Charlie Sumner, who has been keeping him informed, and Mr. Powers for the work that he has been doing. He said again that they have been there, and he hopes that was taken into consideration when the plans were made.

Mr. Ballantine thanked Mr. Fox and said that is what they are trying to do tonight, to see how they can make this work for everyone. He asked if anyone else would like to speak?

Mr. Paul Niles, Director, Lighthouse Charter School, said that he wanted to give them some notion of the scale of traffic that that they generate, especially during two phases during the day. He said that routine traffic, is 40 to 45 staff vehicles in the lot at any one time, and 75 to 100 family vehicles that deliver and then pick up kids at the end of the day. There are also two large yellow school buses that come from Route 6, one small special education bus, and then four or five RTA buses depending upon the day. He said that there is also a general flow of vendors and parents that also come in during the course of a day. Mr. Niles said that the large traffic flow is confined to two different times periods, in the morning between 7:00 am to 8:30 am, and the afternoon between 2:30 pm to 3:15 pm, with parents picking up the kids, and buses and staff exiting. Mr. Niles said whatever fine tuning of the details would be well served to account for those two heavy times of traffic, to avoid unsafe backups.

Mr. Howell said he also wanted to add that in the afternoon there is also a number of students, at least a dozen of them, that go over to the Dunkin Donuts to be picked up to avoid the lines at the school.

Mr. Sean Morris said that his family owns RPM Carpets, and they also have a large collection of 54' to 60' trucks that come pretty much on a daily basis. When they start talking about flow of traffic and detours, the have to take into consideration where those trucks can access the rotary coming down Route 39. He said that it is extremely difficult for a 60' trailer to get around the rotary, without driving straight across it. He also said that they all know that the Pleasant Bay intersection is one of the most dangerous intersections in the entire Town of Harwich. Mr. Morris said that if they were going to use that as a detour point, they may want to consider having an officer down there to

control the intersection, or they are just looking for a disaster there. He said that he does not know what that is going to look like, when they start the detour at Exit 11, but if he can't get trucks and materials, he can't do business. He said that a night schedule would be the most accommodating, because during the day they have the trucks, crews, and customers coming from all directions. Mr. Morris said that if they are going to close the road down, he will need to know how he will be able to be supplied.

Mr. Ford asked if he had participated in the meetings?

Mr. Morris said that he had not, but his father had been there.

Mr. Ford asked what his reaction is to what Mr. Powers discussed tonight?

Mr. Morris said that first of all, they have to have an alternate route that's going to be accommodating for that size vehicle, first and foremost. He said that he would do his best to work with his suppliers to make sure that they understand what those routes look like, and some of them can potentially downsize to a smaller truck. He said that he will work as much as he can, but expressed his concern with getting trucks in and out of his parking lot. He said that most of the businesses in that area, minus a few restaurants are closed at 5:00 pm, and don't reopen until 7:00 am, so ultimately, the night work would have been preferred from the very beginning, especially if it was going to be a full road closure.

Ms. Julie Kavanagh, said that she was going to speak in a couple of different capacities, as an East Harwich resident, working at Polhemus, Savery, DaSilva, and as a former Selectmen involved in the discussions. She said that she was involved in the lengthy discussions about the project and planning for the construction. Ms. Kavanagh said that they had talked at length about making sure that they kept at least one lane open, understanding that they would have to alternate. They also talked about having night work whenever possible to reduce the impact to the businesses in the community, understanding that this is their livelihood. She said that they are the bread and butter for the town and for their employees, etc. She said that she was disappointed to hear that they were going to have a situation where they were looking to close access.

Ms. Kavanagh said that she works in the construction business, so she appreciates the difficulties and there are always variables and everybody's

been working super hard on trying to figure out the best alternative. However, she would remind the Board that they did make a commitment to the community to try to do as much work in the evening as they could, and it does seem to make the most sense, and they would just have to provide access to the restaurants in the evening. They would not have to worry about having these massive trailers have to go to Pleasant Bay Road and Route 39, which as the other gentleman had said, is a horrific intersection. She said that she would implore the Board to look hard at this, and she understands it's a budget issue as well. Ms. Kavanagh said that this is a hard project for everybody, and would also remind those in the audience too, that it is not just a case of wanting to do the sewer, that they are being sued and they have to move forward and smart for the Town to do it and it's a benefit overall. She said that she would ask them to look extremely hard at putting whatever monies and effort into doing evening work for the sake of everybody involved.

Mr. Ballantine asked if it was appropriate to ask CDM Smith or Ms. Rose to come back, to discuss some of the options?

Mr. Powers said that it is completely appropriate to get into the options and discuss what may be possible.

Ms. Rose said that she understands that the Robert B Our struggled to toe the line between getting their job done and supporting their neighbors. She said that when they looked at the four phases, knowing that the sewer has to be completed from the low point to the high point, she said that she is tied to certain intersections, and has to work in a progressive manner. She said that the deepest piece is from the pump station at Sherwood Drive, to just past the church entrance, just passed Round Cove. She said with that being the last deep section, she does not see where they could get a vehicle past them. Ms. Rose said that she believed that was one area that they all agreed that there was no other alternative through road. She explained that when they ay road closure, it is not a hard close, they will still let residents through. They have been working with the police lieutenant daily on the placement of officers, how many officers, and the message the officer is to relay to the customers or residents. She said that they have been trying to maintain that flow of information.

Mr. Ballantine asked Ms. Rose if what she was talking about was a soft close, or a hard close, when you can't get a vehicle by?

Ms. Rose said that unfortunately that is the last deep piece that's about 15 to 16 feet deep. Unfortunately, the road is not wide enough to support a vehicle passing by the construction zone and be able to maintain what she said she is legally bound to maintain.

Mr. MacAskill asked Ms. Rose how many feet that would be, roughly, and does she have a projection on days?

Ms. Rose said that each time she has given a hard date, it's come back on her. She said that portion of work is roughly about a month worth of work. She said that it is about 15 feet deep, so the excavation itself is going to be a 15 - 18 foot wide area, and she is legally bound to maintain a 2-3 foot width on either side of that excavation. Therefore, since they are in the center of the road, she said that she cannot get public travel by, as per OSHA regulations.

Mr. Ballantine asked Mr. Michael Guidice, P.E., CDM Smith, if the center of the road is absolute?

Mr. Guidice said that they have adjusted the pipe alignment, as they do on most streets, based on existing conditions, or if the utilities are a little bit different than was shown on the information provided. He said that they are not bound to stay in the middle, but the preference for sewer is typically to be in the center of the road, but they have made adjustments on portions of this system.

Mr. Ballantine asked if they adjust this section?

Mr. Guidice said that in this case it is tighter, and that there are other restrictions. He said that there are curved granite curbs on either side, there is a guardrail on one side for a portion of the stretch, and there are telephone poles close to the road on the other side. He said that because of the depth, they had all come to an agreement that it would not be practical or safe to allow traffic through that area. He said that the other option that they discussed was to do night work, but the issue there is that it is a residential area, so they will impact the residents if they are working from 9:00 p.m. to 6:00 a.m.

Mr. MacAskill said that they were met with pretty great resistance on the other side when they tried to work it from the first entrance to Sherwood Road to Partridge, and then from Partridge to Round Cove. He asked if they could do

some light traffic down Round Cove to Partridge and then back onto Route 137? He said they would not be able to get 60' box truck down there, but certainly could get a fair amount of traffic, if they divert down Partridge?

Ms. Rose said that they had talked about that at the meeting, but one of the things that they are being mindful of was that it is a residential neighborhood. She said that they can definitely get cars around them, but it wouldn't be a high volume through traffic. She said it would be residents, or business customers trying to get around.

Mr. MacAskill said it was just a thought to get traffic in there easier. He said that he has been for working at night from the beginning, and asked how much of the commercial stretch, from beyond the Lighthouse Charter School, can be done throughout the night?

Ms. Rose said that because they start at the low point, where they are currently coming through the intersection, they could use Auston Road as a detour and go between the Lighthouse Charter School and Town Point, and then they have to go back to Sherwood next. She said that is why they laid out the plan because it kind of flip flops areas. She said it is the progression that she has to take, so zone 1, zone 2, zone 3, which is Sherwood to Round Cove.

Mr. Guidice said that he had another thought, which Ms. Rose will not like him saying, but just based a comment that was made by one of the merchants that they are coming up on the busiest season. He said that there still is plenty of float in the schedule, although Ms. Rose was trying to get this stretch of work done before the summer restriction is on, but maybe one option for the deep stretch where they need to do the detour is to put that off until the Fall or Winter, where it won't be as impactful to the businesses, if that stretch of the road was shut down. He said that they could get all of the rest of the work done now, to the extent that they can and leave that piece until later, when it would not be as impactful.

Ms. Rose said that they had not discussed that, and they definitely would have to.

Mr. Sean Morris said that he thinks that it is a great idea if they can get to some concession to do night work, then for whatever reasons where there's residents whether it's one zone has to be done before the other zone, then

delaying into the off season certainly would help tremendously with the with the local business, during their busiest season of the year.

Mr. MacAskill said that Ms. Rose and Robert B Our would need some time to figure out remobilization costs, and they would need a number associated with that to see if it is even possible.

Ms. Rose said that she wants everyone to be mindful that the Robert B Our Company currently has about 20 - 30 employees on the job working hard every day, and most of them are Harwich residents. She said that they are working hard to get the job done and it would put a burden on them to stop now. She said that she hears what the merchants are saying, but if she was to stop and demobilize now there would be a cost associated with that I cannot do any of the neighborhood work either, so you would be talking about possibly delaying the job for not one season but two seasons. She said that she was given in the contract a limited amount of time to get Route 137 and Route 39 done, and those have to be done as the backbone of the job before she can move into any residential neighborhoods.

Mr. Guidice said to clarify what he had suggested was not to shut down and not do any of the work. He said he was saying to proceed up from Auston Road and to just leave that deep section for another time. He was not suggesting that they demobilize now and not do any work.

Mr. Ford said that he appreciates very much what they are doing, but it is also a major economic impact for these businesses. He said that he can't even imagine how much revenue it potentially could be. He said that everyone is going to adjust but if there is some compromise or if it even makes sense to do that piece.

Mr. McManus asked what the impacts on doing night work would be?

Mr. Guidice said that they started initial discussions on that and that's still up for negotiation between Robert B Our, CDM Smith, and the Town. He said that the costs have not been determined at this point, but there's clearly a loss of production working at night.

Mr. Howell said that he is not going to be capable of adding any solution, but agreed that they had made a promise, and it was somehow never followed through with. He said that he is not blaming anyone at the table, but somehow



it did not get through to the contract. He said that it seems that this will take people who actually have skin in the game, like Robert B Our, particularly to get into an office with some of the merchants to come out with alternatives and a point of agreement that everyone can live with and know what the cost would be. He said that he does not see how they could get to a point of a vote tonight, and it was put on the agenda that way. Mr. Howell said that they do need to take into account what Ms. Kavanagh said, because there has been a lot of stuff that they said they were going to do, but that has not happened the way they said it was going to happen. He said that he knows this area and knew that it was going to be a problem, and he feels honor bound to get people into a room and try and figure out what would be the least burdensome solution.

Mr. Ballantine said that they have been getting people in the room, and this discussion will continue with the engineers, Mr. Powers and Robert B Our.

Ms. Rose said that she wanted the Board to be mindful that they are now through the intersection and they are a little ahead of schedule. She said that Auston Road is quickly approaching, and unfortunately time is not on their side, to a certain extent. She said that the crew that is installing that sewer main, only has one way to go, and that is forward.

Mr. Powers said that he wanted to respond to where the Board was going with the direction and try to tie it all together. He directed them to the document labeled CDM2 in the packet. He read the highlighted item under Section 1.4, Item B, "where possible, the Contractor will allow for the maintenance of a minimum of one 11-ft lane of traffic for both directions (lane to be shared and the direction of travel to alternate in some situations under police officer control) at all times." He said that is the reason they have been having these discussions since February. He said that when they had their monthly meeting, Ms. Rose had advised the group that the work was progressing and they are now getting to the area where they are seeking guidance and what has brought them to this discussion this evening. Mr. Powers said that the other part that the Board should be aware of is under item D, which reads, no detour shall be allowed without prior approval of the Engineer, who is CDM Smith, and the Owner, who is the Board, or the Town Administrator acting through the Board of Selectmen. He said that the reason he brought those up is because they do need to have some conclusions. He said that in the spirit of the compromise that has brought them to the table tonight, perhaps the Board could give some direction, or a decision, on the first two zones. He said that

would give them more time for planning, and they could continue their discussions about the night work, and they just need a sense from the Board if there is an appetite for night work. Mr. Powers said that when it was first presented, he said that it had to go to the Board, because it has a much broader impact, on a broader community. Although they may not come to conclusion on all the zones, he said that it would be helpful to make decisions, or narrow the discussion, on zones one and two. He said that it will give staff an opportunity to work on those costs.

Mr. Ballantine asked if he could read for them again the construction zones one and two?

Mr. Powers said that he just wanted to finish his last thought is that they do have a general sense of what night work would cost, though it would be inappropriate for him to reveal the cost tonight, because they haven't had any discussion about length of time. He said that it should be able to come to hard numbers very quickly. Mr. Powers said for construction zone number one, what is being recommended is the work would progress through Route 137 and Route 39 intersection toward Auston Road. The section of road would be closed to thru traffic. The area would be detoured from Auston Road to Route 39, around the immediate construction zone. He said that it is a detour, but they all agreed that it is the smallest and most feasible detour they could do for that area. This work would take place during the daytime work hours. Mr. Powers said that if he remembered correctly, the reason they are suggesting that the work take place during daytime hours is because there's a feasible sensible detour using Auston Road and Route 39. They have all agreed that there is diminishment of functionality at night, and although they are not averse to doing night work, they want to maximize the work that can be done. That is the proposal for construction zone one, which would be the next activity to happen. For construction zone number 2, the work would progress up Route 137 from Auston Road to in-between the Lighthouse Charter School and Town Paint Plaza. This work is proposed to be "Night Work "to start at 9:00 pm and go to 6:00 am. This will be performed with a full detour since the traffic flow is decreased in the "off hours". The detour would be Route 137, to Pleasant Bay Road, to Route 39. It would be preferred if this night work approach is adopted that a complete detour is selected for safety of the work crew. Mr. Powers said that with this blended approach for construction zone two, they are looking to leverage night work and detours to help speed through it.

McManus asked if there was an order of magnitude for construction zones one and two, if they are talking months, or weeks?

Ms. Rose said that they are talking weeks.

Mr. MacAskill asked what the possibility would be of starting at the other end? He said because some of the businesses are still slow and if they had an option, he would think that it will be slower now than in April.

Ms. Rose said that they could take a pause where they are now or hit Auston and then take a pause and go to the deep section. She said that they absolutely could do that, but bear in mind that would either have to be a full detour, or again night work.

Mr. MacAskill said that he would like the business to speak to that idea, because it may lessen the impact and be worth considering.

McManus asked where the low point is?

Ms. Rose said that the low point is Sherwood, where their pump stations are going to go. Mr. Guidice said that it would then go from the Charter School toward Route 39, so there's two slopes, and once beyond the Charter School everything's going to Sherwood. He said there is a pumping station there that will pump up.

Mr. Powers said that he wanted to make sure they are all in the same zone. He said that the zones also tie into the original preferred preference of progress, and zone one would go first, zone two, and then zone three. So we are talking about zone three, which is coming in from the other end and just past the Lutheran Church, Round Cove, and Sherwood. That is why all parties agreed that the area is not possible, as the contract says to maintain the 11-foot travel lane, so that's why there would be detours in place. He also added that if there is night work, that it is also a residential area.

Ms. Rose said that no matter which direction is chosen, one of the other items they had talked about was extending the work time for a couple hours each day, and that would help move as swiftly as possible through those areas.

Mr. Morris said he had one question regarding zone four, and asked where that will hit as far as Halls Path?

Ms. Rose said that it is right in between the Lighthouse Charter and Town Paint Plaza, that it is right on the property line.

Mr. Morris said that zone four will really be a crushing blow for him then.

Ms. Rose said that they will never shut a business down or close both of their entrances at the same time. She said that if they saw what they did for the 400 Plaza, they worked really hard to keep that plaza open and viable for customers.

Mr. Morris expressed his concern that once they begin zone 4, access to his store would be closed down and he would like to know what that will mean once they start that piece.

Mr. Guidice said that the proposal for zone 4 is to maintain the southbound lanes, and confirmed at least one lane all the way down.

Mr. Ballantine asked if Mr. Niles, Lighthouse Charter School had any comments on the idea of rephrasing?

Mr. Niles said that he was thinking of that on the way over and said that it is sort of like trying to pick his poison. He said that as they move closer towards May, there will be more people affected. He said that they are a year round business and if he had a crystal ball he would have said that it would make sense to cut back on the impact that would affect the greatest amount of vehicle traffic. He said that he is ok with the switchover, though he may regret it. He said, just thinking as a resident, it is going to be interesting as cars get detoured during the day. He had teasingly made a comment that vehicles are going to be backed up on Route 6 as you get closer to May and Memorial Day, and he is sensitive to that, so he is fine with the switch.

Mr. Ballantine asked about delaying the last part until next Fall, to get passed the summer traffic. He asked if they could come back and look at that to see what it would mean, because they also need to look at what the cost implications would be. He said they also should come back and look at what they can do to make the detour as short as possible.

Ms. Rose said that she can certainly do that.

Mr. Ballantine asked Chief Guillemette and Lieutenant Sullivan if they could comment on how the details have been doing?

Chief Guillemette said that he wanted to commend Lieutenant Sullivan for the work he has done on this this. He said that this has been a full time consuming issue for Lieutenant Sullivan, and he has been doing an outstanding job. He said that he will defer to Lieutenant Sullivan on how he feels the details have been going.

Lieutenant Sullivan said that the details are going great and that he has excellent communication with CDM Smith, RJV and Robert B Our. He said that anything that they have given him, he had been able to make work and they will continue to make things work.

Mr. Ballantine said that he wanted to make sure that the details were being welcoming and friendly and giving people good directions?

Lieutenant Sullivan said that he sends out an email to all of the officers who have a detail and he lists any maps, including Chatham's, because their construction is also impacting their detours as well. He said that the officers can look at their phones and have whatever information they need and he updates it with any major changes. He said that they have tried to keep local officers working so they can help more with directions. Lieutenant Sullivan said that his phone rings off the hook with questions, but he has been impressed with all of the positive feedback about his detail officers and it has been reaffirming that he has not had any specific complaints about his officers. He said that they are all really trying, although it is difficult at times, they are doing a very good job.

Mr. Howell said that he was just thinking about what Mr. Niles had said about the advent of the increased business, in part from the snowbirds coming back and then that added to the mix of people who are not familiar with the area. He said, one thing that he has noticed is, that the signs have to be more specific. He said that if there was something that said no access to Route 6 or something. He said that he has lived in the area for a long time and he has no idea of how far he can get and if they have every car stopping to ask the details, they will never have any traffic flow. He said that if the signs were more straightforward about what people can and can't do, it would be really helpful.

Ms. Rose said that they can absolutely work on the signs.

Mr. MacAskill asked if it could be clarified what they are being asked to approve? He said that the contract is clear on what they need to look at and come back with, but to move this along, he asked, what action do they need to take tonight?

Mr. Powers said that if there's no appetite to get into all four zones tonight, they could focus on zones one and two, or separately zone three and either get through the intersection and the business community, or do the deep end with the greatest impact to traffic.

Mr. MacAskill said it is the preference of the Board. He said that he would be ok with moving zones one and two, with the understanding that they are going to come back within a week, with at least exploring the idea of zone 3 first, and also looking at postponing.

Mr. Ballantine said that is where he was going, for them to come back with more information, and possibly delaying the small portion until next Fall. He said that he would also suggest that they approve some extended hours, if necessary, to keep it going.

Mr. Howell asked if they have the time to make the night work happen? He said the reason he asks is that there is nothing on the agenda to explicitly suggest that they take action to start doing night work and perhaps if they had some sort of public hearing they would get a different mix of people there.

Mr. Ballantine said that he had the impression that if they start on zone one, that would give them a week, and that it is advertised under zone two to do the night work.

Ms. Rose said that zone two is a very small area, from just outside the intersection to Auston Road, which is about three days.

Mr. Guidice said to clarify, if there is an appetite to take zone three now, that would be night work, and then they need to stop. Mr. MacAskill said that is what they would like them to come back with.

Mr. Howell commented that this is not in the packet or on the agenda, but that it had come supplementally through their email. Therefore, the public did not know that they were going to vote on night work.

A Harwich resident, did not introduce herself, asked for clarification of the zones and the start times for the evening work and concern over the traffic issues.

Mr. Ballantine said that what she was asking was part of their discussion and what they are asking for them to come back with.

Mr. MacAskill asked Ms. Rose, if they vote to do zone one and two without the night work until next week, so that they can advertise it, does that screw them up?

Ms. Rose said that they would need to have an absolute vote on Monday night.

Mr. McManus said that what they have on the agenda tonight, is the discussion and possible vote to affirm the Waste Water phase to contract number one, traffic control plan, and part of that is night work. He asked if there is any requirement for a second hearing to approve the night work?

Mr. Howell said that it is not in the packet anywhere.

Mr. Power explained that there was a distribution to a specified audience on Sunday, and a direction to staff to get it onto the website as soon as possible. He said that he could not speak to whether or not it was in the updated packet.

Mr. Ballantine said that it is in the updated packet.

Mr. Powers said that they had been working through Weston & Sampson and had meetings with the merchants and the intent of his announcement last week was to advise the general public of the area that they are talking about. He said that he could not make a reference to night hours because the language in the agenda had to be confirmed by noontime on Thursday, and they were still working it out.

Mr. McManus asked if there is there any requirement that approving night hours needs to be a separate approval process?

Mr. MacAskill said that he would say there's no requirement, but they were met with great opposition on the other side of the road, by the homeowners. He said that he was going to move that they approve zone one and zone two; with zone two to have extended work hours to 7:00 p.m. He said that is his



motion, and he would ask that they bring it back next week to approve night work. Seconded by Mr. Howell.

Mr. Ballantine said that will get them going, and asked that they come back next week for further discussion. Mr. MacAskill said specifically about delaying that one portion until the Fall, as well as, starting at the other end and getting the other end done with the least impact to the businesses, and then coming back and doing the night work on the other end after the fact.

All in favor, motion carried by unanimous vote.

B. Proposed change to Harbor Management Plan - Addition of a Class C Unattached Permit

Mr. John Rendon, Harbor Master, said that he would like to propose a really minor change to the Harbor Management Plan. He said that as stated in his memo, he would like to add one Class C Unattached permit. Currently, in the Harbor Management Plan, they define how many of each permits are allowed to be issued at the Harbor, and that is dictated by the Board of Selectmen. He said that in this particular category, they have two authorized, and he is just requesting that they add a third. Mr. Rendon said that the permit allows a boat owner with a current Coast Guard license, to carry up to six passengers for hire utilizing town facilities. He said that it is an offloading permit issued by himself from a waitlist specific to this permit, and allows them to utilize town facilities, to run their business with use of the bulkhead, they can take on fuel from a tank truck, they can offload catch, and they can offload passengers. Mr. Redon said that he had made this proposal in front of the Waterways Committee and they fully supported adding one. He said that there is very little downside and minimal impact both from parking standpoint and an offloading standpoint.

Mr. MacAskill moved that they approve the change to the Harbor Management Plan by the adding of a Class C Unattached permit, as recommended. Seconded by Mr. McManus.

Mr. Howell asked which Waterways Committee meeting this was discussed and was it voted to support it?

Mr. Rendon said it was at the last month's meeting.

Mr. Howell said that he relies on the Committee's that they appoint to give them guidance and it would be good if they could get the approved minutes attached to the packet.

All in favor, motion carried at a vote of 4-1-0, with Mr. MacAskill abstaining.

## **NEW BUSINESS**

### **A. Discussion and possible vote relative to Sparrowhawk Road sewer improvements**

Mr. Dan Pelletier, Water/Wastewater Superintendent, said that he requested this to be on the agenda on behalf of the residents of 150 Church and Sparrowhawk Road. He said that he was called out to their property to give them guidance on how to connect to the upcoming sewer system. He said that currently there is 150 Church Street, and 8 Sparrowhawk Road, which are both accessed through one entry point off of Church Street. There is also a third buildable lot in the back of the property, which he believes they intend on developing for another family member. Mr. Pelletier said that he ran the calculations to see if they could get there by gravity from their homes to the street, and what options they may have to get there. After going through that exercise, he was able to determine that in order for 150 Church Street, specifically in this instance, to get to the street on gravity, on their own property, they would have to bring in fill and raise the entire grade. Also, they would have to sleeve either the sewer service and/or the water service. He said that the property at 8 Sparrowhawk Road could also get there by gravity, however, they would also have to sleeve the sewer service and/or water service and the same would be true for that third lot.

Mr. Pelletier said that it has been the Town's position to only allow one sewer service per parcel, and there would be no deviation from that. He said that it would be more efficient for the Town, as well as the residents, to install a 1/8<sup>th</sup> inch sewer service, where they would be able to put a manhole and run a private sewer line to the end of their property and all three homes would then be able to connect through gravity at the end of the paper street. He said that this would have to be done through 150 Church Street and they would have to obtain an easement through 8 Sparrowhawk Road's property to connect in via

gravity. The homeowners have indicated that this would not be a problem and they can work together to make sure that the easement is adequate for the Town, as well as the residents. Mr. Pelletier said that he is here to ask on behalf of the residents that the Board make this accommodation for this property.

Mr. Ballantine asked to confirm if these are three separate properties, and asked how it would be handled if there was any issues with the neighbors.

Mr. Pelletier said at the moment there are three separate properties, however there is a private road that is recorded, though it appears as a driveway, but it is in fact private road. He said that in the Water Department they go through this exercise often enough, and typically when a property requires an easement through another for water service, it is vetted by the department prior to recording. He said that they verify that it is recorded prior to installing the water service, and he would plan to do the same thing in this situation.

Mr. MacAskill asked about the 1/8<sup>th</sup> inch main and the Town's responsibility.

Mr. Pelletier said the Town's obligation would only be to the 1/8 inch stub onto the property, just like they do with all the other laterals and then the residents would pick up from there and run to the end and then from each home would come out and do a manhole that's placed at the end of the paper street. He further explained that prior to any of the construction actually taking place in the property, or the residents picking up from that lateral, they would have an engineered plan prepared and submitted to the Town, as to how they anticipate bringing it down the road and what the connections would look like.

Mr. MacAskill asked if each property would be separately metered?

Mr. Pelletier said yes, and that two properties are currently on town water. He said that he had discussed this with Mr. Guidice and CDM Smith, and it appears that they would be able to accommodate this change with little or no cost. He said that they still have to review the alignment, but they may be able to shift a manhole and capture that or it may be something they have to put another manhole in. However, it would be a reduced cost and by doing this we're putting 1/8<sup>th</sup> inch service that of two or three sewer services.

Mr. MacAskill asked if all of this is done at the residents expense and who will approve the plan?

Mr. Pelletier said it would likely be himself and Board of Health reviewing these when they come in. He said that the process formalizes between the decommissioning of the title five systems, that application process is going to be done through the Board of Health. He said that Ms. Meggan Eldredge, Director, Board of Health, had indicated that they intend to do one application for decommissioning of the septic system and installation of the sewer service, so this would be the same.

Mr. MacAskill moved that they approve the request relative to Sparrowhawk Road sewer improvements, as presented. Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

B. Discussion and possible vote - Cultural Center Room Rental Agreement Update - Late Fee Charges

Mr. Powers said that he will refer this to the Cultural Center Director to walk through what is being proposed, however, since there are fees, the Board is required to weigh in.

Ms. Carolyn Carey, Director of the Community Center, said that they realized when they were putting the contract together, they do not have any place where they can charge a late fee for any renters who are late. She said that there are some renters that have been habitually late, and much like the harbor does, or the water bill the town should collect that revenue because it does take manpower for them to keep trying to collect the rent from people. She said in addition to that, the only other sentence that they changed was that they ask that they have renters who will be occupying within 30 days of signing the rental agreement, and they must remain continuous to the studio throughout the term of their lease. They do not want people who are just coming here for the summer and then going to be gone. Ms. Carey said that they have a wait list and they are trying to make it as active as possible and help their economic development.

Mr. Powers said that he agrees with everything that Ms. Carey has suggested and recommends that the Board take the action requested.

Mr. McManus moved that they approve the Cultural Center Room Rental Agreement updates. Seconded by Mr. MacAskill. All in favor, motion carried by unanimous vote.

- C. Vote to approve seasonal all alcohol license for 30 Earle Road LLC DBA The Commodore Inn – 30 Earle Road
- D. Vote to approve seasonal all alcohol license for Mt Group LLC DBA Mad Minnow Bar and Kitchen – 554 Route 28
- E. Vote to approve seasonal all alcohol liquor license – Ten Yen LLC DBA Ten Yen – 554 Route 28

Mr. MacAskill moved that they approve the seasonal all alcohol license for items C, D and E as listed above, including any restrictions that are on the licenses. Seconded by Mr. McManus.

All in favor, motion carried by unanimous vote.

## **CONTRACTS**

- A. Discussion and possible vote – Chapter 90 Project Request, Lower County Road – Resurfacing - \$409,506.00

Mr. Lincoln Hooper, DPW Director, said that they have before them a request to approve a contract in the amount of \$409,506.00 to perform chip sealing, crack sealing and patching on Lower County Road. He said that this is consistent with the plan that was voted last July, and he believes that was presented to them. He said that they did have a delay in that they had intended to bid the patching contract out to see if there was some economies of scale. They included this road in the County bid list and he said that they feel that they got a pretty good value because of the amount of patching. He said that they had hoped to do the patching last Fall, but had run out of time.

Mr. Ballantine asked what the timing is now, if it will be soon?

Mr. Hooper said that as soon as they can get it approved by the Board and the State they are going to pull the trigger.

Mr. McManus moved to approve the Chapter 90 Project Request, to perform chip sealing, crack sealing and patching on Lower County Road for \$409,506.78. Seconded by Mr. Ford.

Mr. MacAskill asked who is doing the work?

Mr. Hooper said that it is three different contractors, all under the County bid items. He said that All States has the chip sealing, he believed Lynch has the patching and he was not sure about the crack sealing because they have a few different vendors.

Mr. MacAskill asked if Mr. Hooper could get him that information. He also asked who determines who get the bid, if it is bid through the County?

Mr. Hooper said that this is all of their road work, everything except for the drainage, and it is collectively bid with a bunch of towns via Barnstable County Purchasing Department. Therefore, there's economies of scale with all the towns gathering together to bid those items.

All in favor, motion carried by unanimous vote.

B. Discussion and possible vote – New Bedford Waste Services Solid Waste Disposal Agreement – Fee Schedule Attached

Mr. Powers said that this is the second of two agreements regarding solid waste disposal. The first one that the Board dispatched, in late January, was for Covanta, and this is the second for New Bedford Waste Services. He said that it has been reviewed by Mr. Lawton for procurement, approved by the Finance Director, and now the Board is being asked to agree and sign.

Mr. Hooper said that he presented this plan to the Board this past December, and this is the last piece to have two contracts, so they do not have all of their eggs in one basket.

Mr. Ballantine asked if and these contracts run through the end of the fiscal year, or the calendar year?

Mr. Hooper said these are calendar year contracts, and they are each good for three years. He said that this particular contract is the exact same contract they signed with SEMASS, just the names have changed, same format.

Mr. McManus moved that they approve signing a contract with New Bedford Waste Services for the solid waste disposal agreement, in accordance with what is attached in the packet. Seconded by Mr. Ford.

Mr. Ballantine asked if the prices were the same between the two contracts?

Mr. Hooper said no, that this was a 2 ½% rider with SEMASS, or Covanta. He said that it had started at about 94 and ended at about 98. He said that these prices started at \$93.75, \$96.09 and \$98.50, so the blended rates is about the same.

Mr. Ballantine asked how he will work it, if half goes one place?

Mr. Hooper said given the heartache and problems they had with solid waste beginning last May, it became evident that they needed more than one outlet. He said that New Bedford Waste is not making the briquettes, like they originally proposed a couple years ago, they are actually bagging waste and shipping it out of State. He said it is less than ideal, but gives them two avenues to dispose of their municipal solid waste.

All in favor, motion carried by unanimous vote.

#### C. Discussion and possible vote – Brooks Academy Museum Agreement

Mr. Powers said that this is through the good efforts of the folks at the Brooks Academy Museum, the Historical Society, as well as Mr. Robert Lawton. He said that this is their building use license agreement, which has been in play for about a year and a half now. It has been fully vetted by all parties, including legal, and has been signed off on by the Historical Society. Mr. Powers said that the Board is being asked to endorse this. He said that this is critical to have in place, as the town continues working on the Brooks Academy engineering study, and structural work that will take place, hopefully, within the next few months. The board is being asked to codify and agree to this agreement.

Mr. MacAskill moved that they approved the Brooks Academy Museum Agreement, as presented. Seconded by Mr. Ford.



All in favor, motion carried by unanimous vote.

## **OLD BUSINESS**

### **A. DHY Re-phasing Update – Dan Pelletier and Griffin Ryder**

Mr. Ballantine said to preface this, they are looking at joining the regional agreement with Dennis and they have had a lot of discussion about what will make the most sense in terms of the DHY, and possibly trying to phase this out to make it more comfortable for the Town. He said that even though they have had a lot of discussions, this hasn't had a wide discussion around town. Therefore, this is a first discussion and then they will come back on this, probably several times.

Mr. Powers said that he wanted to update the Board, that Mr. Howell and himself had met with several counterparts from Dennis and Yarmouth. He said that they got into the details of the proposed partnership operating agreement, which is scheduled to be an article before the May 4th Town Meeting for approval by the three towns. He said, should that approval occur, the partnership then is in place and a whole cascading series of events occur, not the least of which is the creation of a new body politic under the Commonwealth. However, through their subgroup, the Town of Harwich was able to convey to the other towns some structural concerns that the Town has with the proposed agreement, and the governance document itself. He said that after the discussion they had today, he was able to work with counterparts at Dennis and Yarmouth to agree to amendments to that agreement. He will be discussing this with Council tomorrow and reaching out to the engineer to advise them of this for their next subgroup meeting on the 20<sup>th</sup>. Also, he hopes that the Board will have an opportunity, next Monday night, to see the proposed agreement to start the discussion on that, as well regarding the article.

Mr. Dan Pelletier, Water/Wastewater Superintendent, said that the agreement obviously is still in process, but once the agreement is executed and put before the voters of the Town of Harwich at Town Meeting, they will be asked if it should pass to make a flow commitment to the DHY entity. That flow commitment is going to be made by each community individually Harwich, Dennis, and Yarmouth, and those figures are going to be what the plant is designed around for this first build-out.

Mr. Griffin Ryder said he wanted to add one thing and said that the flow commitments that are made by each town will determine the cost sharing that each town goes into for the plan itself.

Mr. Pelletier said to expand on that a little bit more, that right now as the conceptual DHY plant has been designed around Harwich contributing about 600,000 gallons per day, in this initial phase, it accounted for 15% of the design capacity. He explained that what is in front of them this evening is two concepts of what Mr. Ryder and himself believe to be reasonably construct in the first era of the treatment plant over in Dennis. That plant right now, the full build-out at 40 years is going to be designed to be a 6.5 million gallon per day average plant, and this first phase is likely going to be less than half of that. Mr. Pelletier said the two options, that are in front of them, there's the DHY Phase 3, which is the Route 28 corridor, and the Harwich Center option. He said that one of the big things that drove the decision to look outside of Phase 3, was some of the upfront, short-term costs and the volume of gallons that would be generated for those costs. He said that Mr. Ryder and himself have been asked to explore an option involving Harwich Center and what that might look like. They had gone into the CWMP and identified areas within the Harwich Center area, along that within that watershed, and identified what they believe to be reasonable construction contract sizes.

Mr. Ryder interjected and said that the reason why they looked at that area, was because they had gone back to the CWMP and one of the things they had heard about is alternative technology. He said they wanted to be sure they are flexible for when new technology potentially comes in the future. He said that what they looked at option 7A from the CWMP, which basically respects the alternative technology implementation as part of the sewer CWMP, that also even with that alternative technology being implemented almost widespread across the town. He said that it was also identified that it about 417,000 gallons of sewer generation, would still be needed to meet the requirements of the TMDL. Therefore, in looking at the scenario 7A, they were able to focus on areas that the CWMP required to be sewerred; whether alternative technology or not. He said that would allow them to kick the can down the road, so to speak, on the alternative technologies.

Mr. Pelletier said to expand on that, the IA Technologies are not at a position where they could be implemented and fully proven, so that they could utilize them. However, he compared what computers look like today, versus twenty

years ago, and said that is the timeframe for this first buildout. He said that they also need to determine what is a reasonable amount to fund over the next ten to fifteen years with the costs for the construction and the plant, as well as the phase 2 obligations. Mr. Pelletier said also wanted to touch on the methodology that he and Mr. Ryder used to put together these figures and numbers. He said that it is important because of the Route 28 corridor. He said that the concept was originally provided by CDM Smith to the Town of Harwich, and when they were asked to explore the Harwich Center option, they had to devise a methodology to try to put a dollar figure for this area. He said that they took the best information they had, which was contracts 1 & 2 from East Harwich and they reduced from there to get a cost per parcel basis. Mr. Pelletier said that the cost per parcel for sewer was what they used to quantify the value of each of the four areas in the Harwich Center option. He said that he also pulled the 2019 water use data from each of these individual contract areas, and those are the flow values you see on these maps below. He did the same thing for Phase 3, Route 28 corridor, just as a double check and to compare apples to apples. He said that he prepared the table that is attached, which goes a little bit deeper into the figures in a side-by-side comparison of the route 28 corridor and the Harwich Center corridor.

Mr. Ryder said that they looked at this at a gross level, and there has been a lot of discussions about costs throughout the town, but these are intended to be planning level costs in today's dollars. He said that as they get towards construction, they will get more detailed, but right now they are trying to create an apples to apples comparison.

Mr. Howell said that he had not held back that there was some parts of the agreement that he did not feel comfortable with, nor did the board feel comfortable with. He said that had to do with governance, but then there is the engineering and the cost side of it, which is wholly their problem to decide whether or not this is apples to apples. He said that so the public understands, they have been asking CDM Smith to give a cost comparison that was not an aggregate, all in thing, because you have to take out certain parts of the comprehensive wastewater management sequencing, and then plug this in, and put them in somewhere else in the approved plan and what are offset. He said that is essentially they are trying to shoe horn in something that was not in existence or even talking about, when that plan happened. Mr. Howell said that the project cost is completely meaningless to him, because if he has to pay up front costs so that his grandchildren can save money that's a whole different equation. He said that it is set up as a black box where the whole

box winds up being equivalent or cheaper, if you swap it out. If DHY estimated the cost year one, and if they go with the comprehensive wastewater management plan as it currently is written it costs blank, and then go down one, two, three, four, five years to see where the cost recovery is.

Mr. Pelletier said that in order to produce such figures, one of the things that they were referring to earlier, is that flow commitment. He said that it is really a very small component of the DHY, when it comes to flow, so if they are talking about cutting the flow commitment from the original projection of 600,000 gallons per day to 300,000 gallons based on what they believe to be affordable. If the town of Dennis and Yarmouth stay exactly where they are at and they decide that they don't want to change the plant size, it is going to pretty much stay the same. However, their financial obligation for that plant would reduce in half, because they are not sending 15%, but 7 ½%. He said that they have had conversations with Dennis and Yarmouth about flow commitments, and what they believe to be reasonable to ask of the taxpayers over the next fifteen to twenty years. However, until they get flow commitments from the other two communities and they aggregate those, they won't know what their share of the plant will be.

Mr. Howell said that the problem is that the moment it is voted for, they are in for 15 years.

Mr. Pelletier said that they are in for 15 years, but they have no financial obligation. He said that if they commit zero gallons, then they don't owe anything.

Mr. Howell said that is not true, and said that they owe the pro rata 15% cost of building the plant, that's baked in the cake.

Mr. Pelletier said that he would disagree. He said that he has asked that question of the participants and they agree that they are in for that.

Mr. Howell said that his problem is that over the 40 year arc they are obligated to get a certain amount of flow done, and that's what the state certified. He said that is how they got the plan approved, with forty years doing this many gallons in all these areas. He said that throttling back, so they can shoehorn the project into a pocketbook is anathema to that, because ultimately they may or may not come out to the same number of gallons at the end. They are just

pulling off the accelerator pedal, to sell 7 ½% to the public, because they're not willing to pay for 15%.

Mr. Pelletier said that they were asked to produce Harwich Center phasing option.

Mr. Howell said that he gets it and he is sorry for even asking, but he made the comment to Mr. Powers this afternoon, and said that he would say it tonight. He said that even though he has been helping to negotiate it, he is not comfortable to vote in the affirmative, unless they know what it is going to cost by year.

Mr. Pelletier said that it was his understanding, and they had a legal opinion on the same, that the percentage, and what happens after year one. He said that it would be worth asking, and if the Town says yes and signs on the agreement and they make a flow commitment of zero, they don't see how they would be responsible for any dollars associated with the plant.

Mr. MacAskill said that he was thankful to have the right people at the table. He asked why any town would agree to go into business with them, if they said they would be putting zero flow going into Town Meeting. He said that it is like having one foot in the door, and he is not sure why they would bring that to Town Meeting. Mr. MacAskill said as far as the DHY, based on the rough calculations, which would be \$1.5 million for 2021 to 2023. He said that they have calculated \$50 million, that is number one. 2025 to 2027, another \$10 million, so that is in the next five or 6 years. He said the second piece of this is the legislation. Mr. MacAskill said he is reluctant to give up control from the Board of Selectmen to any organization on anything anymore, and explained one example of the difficulties getting a good budget out of the schools. He said that it would be a miracle to get him on board in the next 56 days, to finalize an agreement and have legal review, before going to the town about spending another \$60 million. He also pointed out that their legal counsel is also working for the Tri-Town agreement, which is strange to him, and he would think they would need to get extra legal counsel for this. Mr. MacAskill said that the Board also has to pick its priority, because they also failed in East Harwich, with the \$8.4 million mistake. He said that they have apologized for it, but they still haven't done anything about it. He said that they have to finish East Harwich at some point, because they spent \$6.5 to \$7 million of taxpayer's dollars to make a deal with Chatham, and still have not had a meeting with to discuss what they are going to hook up. Mr.

MacAskill said that they have a long way to go, to even get close to convincing him that this makes any sense at all.

Mr. Pelletier said that in the interest of future discussions, what the Board has before them are two options. He said to be clear, these numbers on the maps do not include the plant, or otherwise, but for collection system information only. He said that they have one option at \$41.4 million and one at \$64.7 million. He said that he would like to be able to provide this Board with all of the answers to their questions, and one of the things that would help him would be to have some consensus on a flow commitment, should the entertain the idea of Route 28 and Harwich Center. He said that once they can get further into what their flow commitments are going to be, they can start to look at a revised cost for the treatment plant. He said to Mr. MacAskill's point, part of that 60 million in that first three or four years, \$20 million of that is for the plant. He said that if Dennis and Yarmouth stay the same, and they reduce and it is based on flow commitment, that \$22.3 million could drop down to around \$11 million.

Mr. Howell said that he does not think that they should have two delegates.

Mr. Pelletier said that they talked about that internally and if the Board unanimously supports the agreement and it goes to Town Meeting, the DHY entity would be formed at that point, and they would request a flow commitment. He said at that point they already have two commissioners.

Mr. Howell said that they have 56 days to agree to this and they are not negotiating right now as to what portion of the flow, they are way past that.

Mr. Pelletier said that he wanted to mention from their internal discussions that the other two communities are also looking at their flow commitments and may be thinking about doing something similar and he believes are all on the same page.

Mr. Powers said that he wanted to remind the Board, and the public at large, that Mr. Pelletier and Mr. Ryder have only been at this officially for four months and what they are doing is not their day job. He said that the amount of work that they've gone through just to amass the appropriate data to then make informed decisions on this is remarkable, and it can't be overstated how much work they've done. He said that they need to rely upon this Board for direction, and everything that they do, they have done as much as they can do

working within the subgroups and working with their peers. Mr. Powers said that in their discussions with Dennis and Yarmouth, the two towns have been responding to their concerns, they have been willing to meet them at every step to have these follow up discussions on the agreement. He said that staff is making extraordinary efforts to give them the information needed to make informed decisions on the proposed article and anything else and then they can deal with the effects of that has been decided. Mr. Powers again said that there is a tremendous amount of work being done by these two gentlemen, and not the least of which is presented tonight. He does not want anyone to think that their Wastewater Superintendent and Town Engineer are trying to argue or convince them to take a certain course of action.

Mr. Howell said that this has been refreshing, and Mr. Ballantine commented that he has been involved in the weekly meetings.

Mr. McManus asked what their flow commitment is in their existing comprehensive waste water plan?

Mr. Pelletier said it would be a million, because they are sending 300,000 per day to Chatham, and the full was 1.3 for the whole town. He added that he believed it was for phase 4.

Mr. McManus said that they are anticipating that to meet the requirements of the million gallons for treatment somewhere

Mr. Pelletier said that the full build-out was 980,000 gallons.

Mr. McManus said that these two options account for 179,000 in one and 200 and something in the other. He asked where the rest is?

Mr. Pelletier said what they have to make a flow commitment for the first construction phase of this treatment plant. He said that the design monies for the treatment plant are slated to be requested for the upgrade in 2035. He said that is a two-year design period, and there may be more than one expansion. He said as an example, if Yarmouth says a whole neighborhood wants to pay a betterment and increase the sewer capacity so that they can have sewer, then Yarmouth will have to pay for the upgrade, and it may be a little upgrade. Mr. Pelletier said that at their last meeting, their counterparts were trying to sync up what they expect to be a reasonable kind of target end date, so that they can all link up, and can build a plant where they all have the same end



date. Understanding that there may be other things that come along the way, over the next 20 years, that may require an upgrade or two. He said that what was in front of them, is based on their understanding of the Town's position and how much money this is costing and the feedback they have received about IA technology. Mr. Pelletier said that they are really trying to focus on the first construction phase of the treatment plant, because once they get beyond that, they will be twenty years out.

Mr. McManus said that these phases take us through 2037, which would be the end of the first phase of the plant construction costs. He said that if memory serves the comprehensive waste water plant had them hitting their goals at 2055. So, there would be time for another 15 years, if they need to, instead of only building capacity for 200,000 gallons they will then be looking at 800,000 gallons.

Mr. Pelletier explained that the initial thought was to look at the flow commitments should everything fall into place around 300,000 or 400,000 gallons. He said that in the short term, to have options and leave room for adding additional phases. He said that they could also commit to 400,000 and they get out to fifteen or twenty years and they still have not hit that mark, they could still expand the sewers in Harwich and not pay for the plant upgrade because they have not hit their full capacity yet. Mr. Pelletier said that when they talk about capacity and plant design, there is not always a direct correlation between flow and cost, in the sense that at some point another clarifier would be needed. He explained it is not like you can go from 1.1 million gallons a day to 1.3 million gallons a day. It is throughout the design process, there are thresholds at some point where you have to add another tank, and the tank is the tank, and that's the cost.

Mr. Ballantine said he had a couple comments, and said that at this quick review, they looked at the CWMP and the sewer plant going in basically to do everything that is not going to Chatham. He said they have an opportunity to look at the DHY, and to have a regional plant which will save a significant amount of money, both in capital expenses and in operation. He said that they had a discussion about moving what was phase 4, the northern part of Pleasant Bay watershed to herring river. He said to take advantage of the DHY and keep the cost, his concern with that is that they didn't get a lot of bang for the buck. He said that they looked first at Route 28, as a possibility to get more visible and more action going on, and then they have a lot of interest in Harwich Center. He said that it turns out that Harwich Center is

about the same distance from the pump stations, and would be a big boom from their economic development for a highway center. Mr. Ballantine said that Mr. Pelletier and Mr. Ryder have been looking at this from a DHY perspective and they are basically only interested in the flow, and how big the plant is. He said that they are in control for how they collect it, so they could put it anywhere, as long as they get that flow. Mr. Ballantine explained that if they looked to reduce their flow by half, he believed there would be a reasonable possibility that the other towns may want to reduce their flow as well. He said from speaking with Brian Dudley, Department of Environmental Protection, about this, right now the plant is in two phases, but there is no reason that they could not build the plant in three phases, to keep their expenses down going forward. He said that this whole thing is to get something done, to meet their commitments and reduce the price and have some economic value. Also, to Mr. MacAskill's point on adding to the Chatham agreement, he said that right now they are tied in to the Pleasant Bay watershed. There is an aspect in there that could allow to possibly move to the Great Sands area, and maybe expand beyond that, but it would take a vote from the Chatham Board of Selectmen and the Water Commissions. He said that it would be a long shot because it doesn't help their commitment to their Town.

Mr. Howell said that his concern all along has been how they can make it work, so that they don't break the bank, with the borrowings. He said that he is not looking at the flow, he is looking at the borrowings, and how they can keep them level. He said that they have already ramped up and they are going to be ramping up even more than they expected to when they go back to the \$8.4 million. He said that his problem is that it kind of kicks the can down the road to reduce the flow, because at the end of this plan, they still have to do everything they said they were going to do. Also, the other problem is, when the plan gets accepted everything that Mr. Pelletier and Mr. Ryder are saying is commendable, but they will cease to exist, because there is no working group after Town Meeting. If they accept the plan, except the DHY construct, at that point commissioners that get appointed by the Towns get to determine what they are talking about. Mr. Howell said that anyone sitting in the room can say anything they want, but the problem is that after May, all bets are off because the design of the plant, the way it operates, who gets what flow, and everything is determined by what they ask, but they have to accept that they will no longer control how this works after the agreement is approved.

Mr. Ballantine said that they control all of the collection phases.

Mr. Howell said, yes, but they have to send it somewhere.

Mr. Pelletier said that one of the other considerations that they put into the Harwich Center option was with the DHY, the Route 28 corridor section did not really generate a significant amount of flow, so it was the opinion of the people at the table that it would be very difficult to ask the taxpayers to fund a \$22.3 million plan and really have nothing to send them. He said that the component of the Harwich Center option was to actually send flow where they are sending the money.

Mr. MacAskill said that he had just a couple of points, because he knows that they are going to debate this more heavily coming up. He said that there are 56 days. He said they are thinking about Harwich Center and Harwich Port, and thinking about \$300,000, 600,000 gallons, and where it is more important to the other two towns. He said that they really have not done anything yet, and they are \$30 million into this already with another \$8.5 to \$10 million to finish what they started. Mr. MacAskill said that they picked East Harwich for a reason, because that is where they detected nitrogen in the wellhead, and they should not lose sight of that. However, 56 days for them to agree and then sell it to the public, and go to Town Meeting with trust, he said that he just does not see it.

Ms. Clara McClardy East Harwich said that she does not want to take up time, but she is really worried and disturbed about polluting Pleasant Bay. She said that she cares, and she is not going to be contributing any flows because they are going to put in a composting toilet system, called the Phoenix. She said that they had gone to see it and it is really functional and easy to use system and they are also going to use a grey water system, irrigate and have a duck pond and be really careful about what they put in their water. She said that she is bringing this up because she recently went to a climate change forum and they said to bring up climate change at their town's selectmen meeting. She said that no one is talking about this, and she can't think of a plan where they are talking about 30 to 40 years from now, without thinking about what the climate scientists are saying. She said that climate change is becoming politicized and they need to be reasonable and consider some of this stuff. Ms. McClardy said that if climate change is a real consideration, then they should be looking into the future and fresh water, fresh potable water is going to be a much more valuable resource than what it is currently. They need to be

treasuring the water resources and if people really care about the environment, they are not going to be just thinking about nitrogen. She said to really be green, to really look at cleaning up the environment, there are much better alternatives than sewerage. She said that is an outdated and very environmentally costly solution to human excrement. She said that she is going to oppose DHY, and she hopes that many of her peers will too. She said that people need to get informed and think about the big picture. She said that there are alternatives, like greywater. Ms. McClardy said that the CWMP says they are not considering composting toilets because of cultural reasons and she explained that people may think that they may be unsanitary conditions etc., but she said that it is not like that anymore, and she wishes that they could explore those things. She said that she wished their representatives would bring that information to people, and encourage people to open their minds. She expressed her concerns of the enormous carbon footprints that septic sewer treatments create and the regulations and increased expenses that are going to occur over time. She said that it is not the truly ecological solution and said that the sewer is not for the environment, it is for development, and is not in the best interest of everyone.

Mr. Ballantine said that he would disagree with some of that, but not tonight. He said that if they cannot paint a full picture before Town Meeting, then they can't continue and that is what they are trying to get through now. He explained that the other towns are going back and forth as well, and they may not be ready by Spring, but they are going to try to get as much information as they can. He said that they also need to worry about IA, and the difficulty they have at the moment is that they are required to meet regulatory demands, and right now none of the IA systems meet those requirements. He said that the CWMP states that they are opening for new technologies going forward, however, even though it states that, by the time they build the sewer plants, that would lock them into sewerage, for the whole program. Mr. Ballantine explained that the reason they started looking into the phasing the sewer waste, was not only economics, but to make sure that they did not lock themselves in, if something else comes out that would work well.

Mr. Pelletier said to expand on that, when they started the discussion, but when they developed the Harwich Center option, they utilized scenario 7A, in the CWMP, which was the IA scenario. He said that it was the one area that they delineated and demarked on this plan, was the area, and that even if they use IA systems, they had to still sewer those.

Mr. Ford said that he wanted to hear from Mr. Howell about the meeting today, because there is a lot of input here that is missing from the discussion.

Mr. Howell said that they had had a verbal agreement and the working group, that they were going to have language requiring for the maximum extent possible that all contracting for services and goods would be done competitively. He said that for some reason there was a resistance for that language to actually make it into the agreement itself. They met without CDM Smith today, and they agreed to put that back in. He said the second thing, which he felt strongly about is once things get created there was absolutely no way to have the public have any influence on the financial actions of the commissioners. He said that he had pitched originally that when they get together in January and there are two representatives from each Town, that they receive a budget from the commissioners and that they get an affirmative vote, which they did not get. He said that somehow it got watered down in written language. Mr. Howell said that they are back again to every January, there has to be an agreement and it actually is somewhat punitive to them because it's in the commissioners best interest to come up with the lien budget that everybody agreed to. He said that since the new language is going to contain language in it, that failing an affirmative approval they revert to the prior year budget. They have had motivation to try to come to an agreement with the combined boards.

He said to point out, because he is also the representative to the Clean Waters Management Board, and at the insistence of Mr. Andrew Gottlieb, the legislation was really clear because some of the some of the towns wanted to do alternative systems. He said that the way this is written currently, the state sewer revolving fund will not pay for alternative systems. They cannot get any of the money that's being generated by that special rooms tax and funnel it to anything other than a shovel ready sewer project.

Mr. Ballantine said that they will keep coming back on this.

#### B. Discussion and possible vote relative to FY2021 Annual Operating Budgets (2/10/20 – Draft Version)

Mr. Ballantine said that they had an all-day meeting on Saturday, which he thought that was very productive. He said that they are not voting at all tonight, but he wanted to bring up some general discussions on the budget.

He said that in terms of the financial side, some of the questions and they are hoping to get approximately \$70,000 back from the school, the library will bring back \$15,000, Council on Aging under \$7,000, Conservation \$5,600, Health \$5,200 and \$825. He said that they need to consider those items. He said that the money from the school, that short money, they made a strong case for restoring those. Mr. Ballantine said that they also talked about having further discussions on the carpool activity, and how they utilize the cars among the staff. Also, he said they should bring back the cemetery and if there is a way to work with the DPW, as a backup. Mr. Ballantine said that people were more comfortable with adding money to stabilization and OPED, and asked Mr. Powers what the compromise was built into the budget, if he restored some of the DPW budget?

Mr. Powers said that what was presented on Saturday, would be the new number going forward, and the DPW budget was increased by \$500,000 and is being offset by expected revenue to be generated by commercial MSW. He said that if he had read the Finance Director's email correctly, they were at a .33% increase. That change now gets them to a 1% increase, so still under 2% growth.

Mr. Ballantine said that he was a little concerned, and some of the things that were taken out of DPW, such as maintenance items. He said that he would like to understand that a little better, because in the past they can shoot themselves in the foot if they are not maintaining their buildings.

Mr. MacAskill said that he would like a better understanding of how that proposal came forward, and those budgets came forward. He said that they did not cut things from other departments, but the DPW budget cuts that went in only seemed to be ones that effected other departments. He would ask the Board to ask the Town Administrator to work with Mr. Hooper, and to try and give them a better explanation on why every single cut in that department had something to do with somebody else, instead of the extra money that seems to be in that budget. Mr. MacAskill said that should be an instruction from the Board to the Town Administrator to better understand why they have to penalize Department Heads, instead of looking inside the budget.

Mr. Ballantine said that they are getting to the same endpoint. He said that they need to look at the budgets and if there are other places to cut but still keep the maintenance.

Mr. MacAskill said that he had asked a lot of questions about the dump operation and the \$496,000 and hopefully they get that answer before they just decide to restore that \$500,000. He said that it is not his goal to get under 2%, and they really need to look at everything.

Mr. Ballantine said that the other board members should email him with some points, and he will put it together so that they will have good discussions going forward.

Mr. Ford said that there was a lot of work that went into this process, both by Mr. Hooper and by Mr. Powers and Ms. Coppola. He said they should not forget, which was highlighted fairly clearly in the budget discussion on Saturday. He said that the DPW has taken on the responsibility for a lot of extra stuff, which they didn't used to have. Therefore, when you say you are cutting a department, this has now been part of the DPW.

Mr. Ballantine said that he applauds Mr. Powers and the Department Heads for bringing to them a budget that now they are double checking to be sure that they can work with.

Mr. Howell said to follow up on what Mr. Ford and Mr. MacAskill had said, they can't get this resolved tonight, but they all got a memo relative to conservation and the frightening comment is it highlights what he has been saying all along, which is that they have \$1 million worth of revolving funds. He said that ultimately they need to take a look at the bigger issue. If Mr. Hooper has to be able to do something, and you get a revolving fund like the beach cleaning or something, should be sourced out of whatever fee that's generating that fund and funneled to him as part of his budget.

Mr. Ballantine said that Mr. Howell raised a good point, and that he asked for years to know what departments spent towards another department, so they know what is going on.

Mr. Howell said that he had asked for quarterly reports on it, but the other underlying problem is they also seem to feel that not only do they own the funds individually, but each committee feels like they voted to appropriate it as if there's absolutely no input whatsoever from the Board of Selectmen or the Finance Committee. He said that once it is given to the volunteers that they appoint, have the purse strings and they just go ahead and vote for it. He said that has got to change.

Mr. Ballantine asked that they send him questions that they have for the budget, and they can have a detailed discussion.

## **TOWN ADMINISTRATOR'S REPORTS**

### **A. Budget/Warrant Timeline FY 2021**

Mr. Powers said that first he would just remind the Board that under the budget warrant timeline, their meeting on Monday, March 16<sup>th</sup>, they will be in a joint meeting with the Monomoy Regional School District School Committee. He said that they are scheduled to do their final vote, on their final number on March 12<sup>th</sup>.

### **B. Departmental Reports**

Mr. Powers apologized that he missed this last week, but wanted to advise the Board that each administrator or manager on Cape Cod had received a notice from Kristy Senatori, Executive Director, Cape Cod Commission, about the 2020 district local technical assistance, or DLTA program. He said this is funding for aerial imagery, which will help each town and the county track land changes. He said that there was a memorandum of agreement that was sent and he was asked as Interim Administrator to sign, which he did and is advising the Board that the dollar amount the Town is responsible for is \$2,766. He said that is their contribution for the overall effort, the total contribution is \$50,700, and the Commission is giving \$80,000, for a total project of \$130,700. Mr. Powers said that was a memorandum of agreement that was agreed to, and said that he could share it with the Board if they have concerns.

Mr. Ballantine asked if he could share it, so that they could read it at their leisure.

## **SELECTMEN'S REPORT**

Mr. Ballantine said that they met this morning with Chatham on their IMA. He said that this part of the agreement they were supposed to meet quarterly, but have not been, but they will be much more active and raised actual concerns. He said that why



he wanted to mention this tonight, is that their Board of Health had voted a couple months ago to allow a sanitarian, instead of requiring a design engineer. He said that Chatham does require a design engineer, and they want to stick with that requirement. This means that they cannot move themselves in the strategies with their IMA, but they can vote to give them the ability to use the design sanitarian and back away from the design engineers. Mr. Ballantine said that Chatham will bring it back and he hopes that they will allow them to go their way, and they can stick with the design engineer.

Mr. McManus said that they had their last Selectmen's meeting a week ago Friday, and they have the next one this coming Friday. He said that they had compressed it because the schedule of the State Legislators, which they had met with last time. This time they met at the Upper Cape Technical School, and they will be dealing with Town Meeting, towns and schools. He mentioned that they started using the Technical schools for breakfast because they are more inexpensive and very good. He said that they hope that once their new Tech School in Harwich is open they will be able to start meeting there.

Mr. Ballantine said just to clarify that Mr. McManus was referring to the Cape and Island Selectmen Meeting.

## **ADJOURNMENT**

Mr. MacAskill moved that they adjourn at 9:29 pm. Seconded by Mr. Ford. All in favor, motion carried by unanimous vote.

Respectfully submitted,

Lisa Schwab  
Board Secretary

