

**MINUTES
SELECTMEN'S MEETING
SOUTH HARWICH MEETING HOUSE
MONDAY, MAY 20, 2019
6:30 P.M.**

APPROVED
RELEASED

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

OTHERS PRESENT: Town Administrator Christopher Clark, Water Department Superintendent Dan Pelletier, Fire Chief Norm Clarke, Police Chief David Guillemette, Finance Director Carol Coppola, Harbormaster John Rendon, Natural Resources Director Heinz Proft, and others.

WEEKLY BRIEFING

Dan Pelletier, the town's Water Department Superintendent, announced that the Harwich Water Department received a 2019 Public Water System Award. He also informed the Board that there would be some detours on Route 28 in the upcoming week due to work by the Water Department.

PUBLIC COMMENTS/ANNOUNCEMENTS

Mr. MacAskill presented a Certificate of Appreciation from the Board to Chair Kavanaugh for her dedicated service to the Town of Harwich.

CONSENT AGENDA

- A. Minutes:
 - 1. April 29, 2019 – Regular Session
 - 2. April 29, 2019—Executive Session
- B. Annual Police Appointments
- C. Accept Gift of Piano for the Cultural Center.
- D. Appointment of Noreen Donahue to Capital Outlay Committee with a term to expire June 30, 2021.
- E. Resignation of James Joyce from the Planning Board—Effective June 28, 2019
- F. Vote to approve the recommendation of the Interim Assistant Town Administrator for the petition request from Verizon and NSTAR to place one jointly owned pole.
- G. Approve Chapter 90 request for Great Western Road/Main Street Drainage per the recommendation of the DPW Director.
- H. Compensation Review—Assistant Water Superintendent

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

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

No Public Hearings/Presentations

NEW BUSINESS

A. Town Administrator's request for vacation carry-over

Mr. Clark explained that he had been unable to use all his vacation time due to staff shortages. Mr. MacAskill asked if Mr. Clark had taken any vacation time. Mr. Clark replied that he had taken maybe one and a half weeks of vacation, leaving two and half weeks left. He is requesting to carry-over two weeks. Mr. McManus moved to accept the request. Mr. Ballantine seconded the motion and the motion carried by unanimous vote.

B. Noise recommendations for Harwich Port.

Mr. Clark explained that he and Chief Guillemette have been working to make improvements to the issues with sound in Harwich Port. They have concluded the 10 o'clock cut-off time for outdoor entertainment to be valid and have been unable to devise any further recommendations to make improvements to the current policy. Chief Guillemette will hold a training on May 23, 2019 at 1pm to educate business owners about the current policies.

Chief Guillemette said that he has spoken extensively with several members of the community and with police chiefs from other communities in order to find a solution, with no success. There are few communities that have the same problems with noise that come with a mixed-use community like Harwich. He would like to see more self-policing, by which establishments would install their own devices to determine when their own sound levels are getting too high.

Members of the community requested the formation of a committee to develop solutions to manage noise in Harwich Port.

Mr. McManus clarified that movement to approve a beverage license for a Harwich Port establishment hinged on submission of a plan to move entertainment inside. No such plan has been submitted, so he encouraged the Board not to sign the license. He supported the formation of a committee, but would like to see a draft of the committee charge before it is placed on next week's agenda.

C. Appointments to Harwich Port Parking Committee

Mr. MacAskill moved to appoint Francis Rich to the Harwich Port Parking Committee for a full position expiring May 15, 2020, as a local resident appointee. Mr. Howell seconded and the motion carried by unanimous vote. Mr. MacAskill noted that more interviews are scheduled.

D. Request to conduct a study of the salt marsh behind Red River Beach

Item held.

E. Snack Shack Harbor Management Plan Discussion.

Mr. Rendon explained that the Harbor Management Plan, Section 7.17, speaks to no alcohol on piers/harbors within Saquatucket Harbor. However, the Board approved the Snack Shack lease

which includes a seasonal liquor license. He is happy to revise the Harbor Management Plan to reflect the lease and liquor license.

Mr. Howell clarified that changing the Harbor Management Plan would require several community hearings and votes to approve and voiced concern that the Board voted to approve the lease (which included liquor sales) without consideration of the Harbor Management Plan.

Mr. Rendon clarified that he has spoken with the state regarding regulations. State regulations do not pertain to the new building at Saquatucket Harbor, only with the parking lot and ramp. He reiterated that the town does not want drinking on ramps, in the parking lot, or in public buildings, and does not believe the Snack Shack's lease violates these.

Mr. MacAskill would like an update from the Town Administrator regarding previous votes on the issue and commended Mr. Rendon on his work in running the harbor and in managing this large grant-funded project. Mr. MacAskill expressed concern that the Town Administrator needs to provide more information in project packets to the Board and be responsive to emails, so that the Board may make educated decisions.

Chair Kavanaugh clarified that the new building was not part of the original Harbor Management Plan and that the Board has granted a lease and license to a business within the new building. She expressed concern about over-extending the application of such a plan.

Mr. Clark said he is very happy with the work by Mr. Rendon and others involved, that large projects such as these do not go from initial stages to completion without some moderation to the plan, and, while there have been mistakes, there has been no ill-intent by employees of the town. He is very proud of the work that the town is doing to deliver a product that its residents can be proud of.

Mr. Ballantine expressed concern that the town may be taking on too many projects.

Mr. McManus agreed that these large projects can stretch staff thin. He reminded the Board that the town has hired project managers and contractors in the past to ensure that projects are done within regulations and reiterated his opinion that a project manager be hired for the wastewater project.

CONTRACTS

A. Contract for Hinkley Pond Algal Treatment in the amount of \$347,300

Mr. Proft addressed the Board regarding work to be done at Hinkley Pond in the fall. An evaluation summary regarding the algal bloom, etc., at the pond recommended treatment. The current contract also includes work to improve public access and monitoring. The project is under the budget initially set aside and should only take 8 days to complete, so they have requested to initiate and complete the project between September 9th and 30th. This is intentionally after Labor Day and within the window allowed by the Department of Fisheries. The contractors come highly recommended.

Mr. Howell agreed that it's important to do the algal treatment and reduce the phosphorous, etc. However, the packet is missing a letter from the Town Administrator approving the project. He will not approve any further projects without it. Mr. MacAskill was of the same opinion.

Mr. Ballantine would like to see more specifics about the monitoring.

Mr. Ballantine moved to approve the contract for Hinkley Pond Algal Treatment in the amount of \$347,300. Mr. McManus seconded. The motion carried by a vote of 3-2 with Mr. MacAskill and Mr. Howell voting against. Mr. MacAskill noted he voted against due to lack of contract.

OLD BUSINESS

A. Confirm Performance Evaluation—Fire Chief

Mr. Clark expressed that Chief Norm Clarke is an asset to the community and does an outstanding job. He also appreciated that Chief Clarke was willing to take on extra work such as the building project.

Mr. Howell was upset that the Board only received a summary score in their meeting packet in lieu of the evaluation. Though he feels all the employees under consideration are outstanding he does not feel properly informed to approve any of their evaluations.

Mr. Clark and Chair Kavanaugh clarified that the necessary information was in last week's confidential packet.

Mr. McManus made a motion to approve the confirmation of the performance evaluation of the Fire Chief.

Mr. Ballantine moved to approve the confirmation under the condition that the Board would be able to add to performance evaluations and provide additional comments or add points to the evaluations by the next meeting. Mr. Howell seconded the motion.

Chair Kavanaugh disagreed that it was the Board's place to add or remove points on an employee's performance evaluation, as members are not involved in the day-to-day of the department.

Mr. McManus agreed that the Board's role was simply to approve or disprove the administrator's evaluation of the Chiefs.

Mr. Howell expressed that these positions are direct hires by the board and evaluations were passed to the Town Administrator merely out of convenience.

Mr. Clark clarified that the real impact of the evaluations for the employees is to ensure they receive their 2% cost of living adjustment as stipulated in their contracts.

Mr. Ballantine's motion carried by unanimous vote.

B. Confirm Performance Evaluation—Police Chief

Mr. Clark commended Chief David Guillemette for a very good job transitioning to a new department and community and stepping forward into the Chief position. He received a score of 82. Mr. Clark recommended that the Board approves his cost of living adjustment for his contract.

Mr. Howell made a motion to confirm the performance evaluation under the condition that the members of the Board may add to the evaluation. Mr. MacAskill seconded, and the motion carried by unanimous vote.

Chair Kavanaugh expressed gratitude for Chief Guillemette's fantastic work.

C. Confirm Performance Evaluation—Financial Director

Mr. Clark expressed that Carol Coppola has brought energy and enthusiasm in her two years in her position. She has been reliable and brought in outside auditors to ensure a good product. She received a score of 91. He recommended approval of her cost of living adjustment.

Chair Kavanaugh thanked Ms. Coppola for doing an outstanding job helping the board in understanding financial matters.

Mr. Howell made a motion to accept the performance evaluation for Ms. Coppola with the future possibility that the Board may change the rating at a future meeting. Mr. Ballantine seconded.

Mr. Howell added that Ms. Coppola has been a tremendous asset. However, her position was intended to provide an informed, independent voice to the Board regarding monetary decisions, and he would prefer that she be physically present at contract negotiations to cost out agreements in real time.

Mr. Clark expressed that he and Ms. Coppola agreed that she did not need to be present for language changes at contract negotiations. But all financial components of contract negotiations are going through Ms. Coppola as they should.

Mr. MacAskill thanked Ms. Coppola for her service.

The motion carried by unanimous vote.

D. Town Administrator Performance Evaluation

Chair Kavanaugh said she received the evaluation forms from the Board. The overall score was 65.3, which met the minimum 65 required for the cost of living adjustment.

Mr. MacAskill expressed concern about a score of 99 that Mr. McManus provided in his evaluation, suggesting that Mr. McManus had changed his evaluation after seeing those from the other Selectmen to provide Mr. Clark a passing score. Mr. McManus responded that his responses changed from last week because he had not originally received the same form as the other members. Chair Kavanaugh reminded Mr. MacAskill that he had also planned to amend his evaluation and provide it at the meeting (which would have been too late). She clarified that all evaluations were in the packet by Friday. She also expressed concern regarding scores awarded by other members (as low as 29 and 42.5) and that such scores for a town administrator would reflect a town that is barely functioning. Chair Kavanaugh, Mr. MacAskill, and Mr. McManus disagreed on the amount of detail and narrative necessary on a performance evaluation, and Chair Kavanaugh expressed concern that the evaluation

process is becoming politicized. Mr. Ballantine agreed with Chair Kavanaugh that the Board needed to create an evaluation process that works and urged Mr. Clark and the Board take seriously the comments for improvement provided in the evaluations. Mr. Howell suggested that the town's success is in large part due to other employees, like department heads. Chair Kavanaugh responded that the department heads have expressed praise for Mr. Clark, and that the Board needs to take responsibility for some of the miscommunication lamented in the evaluations.

Mr. McManus moved to approve the town administrator performance evaluation. Mr. Ballantine seconded. The motion carried by a vote of 3-2, with Mr. MacAskill and Mr. Howell opposed.

Mr. Clark expressed appreciation for some of the comments provided, as they will assist him in his professional development. He noted that comments from Mr. MacAskill and Mr. Howell suggest that they no longer want him as their town administrator. He was troubled by the significant decline in his scores over the course of a year, but he is very proud of the excellent department heads he has had the opportunity to hire.

E. Contract Renewal for Town Administrator - *discussion*

Discussion tabled.

TOWN ADMINISTRATOR'S REPORTS

Mr. Clark thanked Chair Kavanaugh for her thoughtfulness and sincerity in serving the town as Chairman of the Board of Selectmen.

The status of the sewer project, as the Board had requested, was provided in the packet.

SELECTMEN'S REPORT

A. Mr. Howell

Mr. Howell wanted to know if the contract representative would be present at the East Harwich sewer hook-up meeting at the community center.

Mr. Pelletier clarified that the project manager and contract representative will not be present at the meeting because it was scheduled prior to him being awarded the contract, though Mr. Pelletier plans to include his information in the meeting presentation.

Mr. Howell suggested that the representative be included, as part of his responsibility is community liaison.

Chair Kavanaugh provided the location and time of the meeting and expressed that she will be attending.

Mr. Howell expressed appreciation for Chair Kavanaugh's service as Chairman.

B. Kiwanis Plant Sale

Mr. McManus thanked people for attending and purchasing plants at the Kiwanis Plant Sale which help the Kiwanis Club's scholarship fund.

He thanked Chair Kavanaugh for her service as Chairman.

C. Mr. MacAskill

Mr. MacAskill thanked Kavanaugh for her service as Chairman.

D. Mr. Ballantine

Mr. Ballantine expressed urgency in proceeding with the sewer project.

E. Chair Kavanaugh

Chair Kavanaugh thanked the Friends of South Harwich Meeting House for the venue and thanked the Board of Selectmen for three years of serving together, as Chairman. She thanked Cindy Williams for her work on the Chamber of Commerce, Chris Clark for his work, and others within the community. She acknowledged the amount of time the Selectmen dedicate to the town, encouraged the town residents to attend town meetings, and urged the town to engage in discourse civilly.

Chair Kavanaugh received a standing ovation.

ADJOURNMENT

Mr. Howell moved to adjourn at 8:23 p.m. Mr. MacAskill seconded the motion and the motion carried.

Respectfully submitted,

Shilo K. Felton
Recording Secretary