



APPROVED

RELEASED

MINUTES
SELECTMEN'S MEETING
REMOTE PARTICIPATION ONLY
TUESDAY, JUNE 1, 2021
6:00 PM (Executive Session)
6:30 PM (Regular Session)

SELECTMEN PARTICIPATING: Larry Ballantine, Michael MacAskill, Mary Anderson and Donald Howell

ALSO PARTICIPATING: Town Administrator Joseph F. Powers

CALL TO ORDER

Chairman called the meeting to order at 6:00 PM. Mr. MacAskill moved to enter into executive session. Second by Mr. Howell.

Vote: 4:0 in favor by Roll Call. Motion carried unanimously.

EXECUTIVE SESSION

- A. Pursuant to MGL c30A section 21 (a) paragraph 3 to conduct strategy session in executive session for the purpose of discussing strategy concerning a potential agreement with non-union personnel - Town Administrator
- B. Pursuant to MGL c.30A section 21 (a) paragraph 3 to discuss with respect to collective bargaining for all town unions if an open session would have a detrimental effect on the town's bargaining position and so the chair declares.

Chairman Ballantine reopened the regular meeting at 6:35PM following the executive session. He reported good discussions, the discussion with the town union will continue. He invited attendees to join him in the Pledge of Allegiance.

ANNUAL REORGANIZATION OF BOARD OF SELECTMEN OFFICERS

Mr. Ballantine referred to the recent election and welcomed Mary Anderson. This is the proper night to reorganize for next year. The Board is short a member, there are 4 members until the September 21st special election. He proposed that a chair be elected. He also proposed that a vice chair be elected and ask that person to also take on the role of clerk. As in past practice, the 2 elected become the interview committee. He asked for nominations for chair. Mary Anderson nominated Michael MacAskill for chair, 2nd by Mr. Howell. The vote was 4-0-0 with Mr. Howell, Ms. Anderson, Mr. Ballantine and Mr. MacAskill voting aye by roll call.

Mr. MacAskill thanked them for their confidence.

Mr. Ballantine asked if there was any disagreement with his proposal to combine vice chair with the role of clerk.

Mr. Howell commented that it's important with a new member to be able to understand mechanisms and municipal workings. Traditionally a new member would be the clerk as a learning process.

Mr. MacAskill feels that whoever is nominated as the interview committee, any and all other Board members could rotate as serve the second interview person. They will all be covering on committees and as liaisons until September 21st. He suggests a rotating schedule or that a member volunteers to be that second person until September 21st.

Mr. Howell states that there is nothing etched in stone or in the charter that says that there is an interview committee. He doesn't see why it can't be a committee of the whole that can participate. As long as it's posted, there's no reason why only two and nobody else can show up, particularly if there is some vexing appointment when they'd like to get firsthand look at how they response to questions.

Mr. Ballantine states that through the years they have had an interview committee and there have been occasions when others have joined, they've never been excluded.

Ms. Anderson comments that she's heard that there is broken in the whole committee process. She has an interest in getting involved with the interview committee to see if she can make it better.

Mr. Ballantine's preference would be to have 2 as the interview committee to keep it simpler and just be sure to invite anyone who would like to be involved.

Mr. Howell responded to Ms. Anderson's comment. The broken part got somewhat ameliorated by a shift in staff. It's been difficult to know where the vacancies were and when they expired. It's not all coming from here.

Mr. MacAskill commented that any Board member can be part of fixing anything that's broken, whether you're appointed or not appointed. The Board needs to pick up record retention etc. and there are plenty of things that need to be fixed. We have to have a clerk, we have to have a chairman. We should vote the structure and the obvious vacancy is the interview committee. Mr. MacAskill nominated Mr. Howell to vice chair.

Mr. Howell respectfully declined. He does not have an interest in being chair next year, he doesn't think it's a good idea, in an election year, to be chair.

Mr. MacAskill suggested appointing a clerk and an interview committee and leaving the vice chair vacant. Anyone can chair a meeting.

Mr. Ballantine said he could do that but the disagreement is on the rotating interview committee. If they don't nail that down it will be a problem.

Mr. MacAskill moved to nominate Mary Anderson as the clerk, 2nd by Mr. Howell.

Ms. Anderson graciously accepted.

Mr. Ballantine commented that it's important to have 2 dedicated people on the interview committee. He also emphasized that they are posted and they can all go.

Mr. Howell, thinks they should get through the interview scheduled for Thursday first as those have been in the works.

The vote was 4-0-0 with Mr. MacAskill, Mr. Howell, Mr. Ballantine and Ms. Anderson voting aye by roll call.

Mr. MacAskill moved to nominate Larry Ballantine and Don Howell to the interview committee, 2nd by Ms. Anderson. The vote was 4-0-0 with Mr. Howell, Ms. Anderson, Mr. MacAskill and Mr. Ballantine voting aye by roll call.

Mr. Ballantine officially announced and moves the chair to Mr. MacAskill.

As his first official action, Mr. MacAskill thanks Mr. Ballantine, he has been the chair through some extraordinary times. This was a year of learning, of contention, of trying to manage a crowd that was on line, he did an excellent job. He appreciates how much Mr. Ballantine has done work wise for the Town of Harwich as a Board member and as a taxpayer and thanks him for all he has done.

WEEKLY BRIEFING

A. COVID-19 Updates

Town Administrator Powers explains why there was nothing in the pocket regarding the update. There was little to update, one slight change and also Katie was able to take a day off which was well deserved. He reminds the general public through the Selectmen, the Town of Harwich is reopening their buildings to the general public Tuesday, June 15th. It is the decision of the Administration Department and himself specifically. If it's the wrong decision it is not Katie. If it's the right decision, he was motivated and directed by information from others including Katie. They were able to have an employee vaccination clinic, the 2nd dose falls where they will be fully vaccinated by June 15th. When reopened they will have the highest safety measures in place, there will be no masks or similar restrictions. He asked Mr. MacAskill to recognize the Public Health Director Dr. Katie O'Neill.

Dr. Katie O'Neill Public Health director updated that Harwich remains in the gray designation. The VNA is currently following 1 active case, there are just under 8,000 individuals fully vaccinated, all remaining sector specific protocols were lifted including the mask mandate. The employee clinic was this past Wednesday and no masks will be required in town buildings as of the 15th.

B. Update on ongoing efforts by the town in support of the business community

Cindy Williams Executive Director of the Chamber of Commerce updated that there were lots of shopping bags, cars and diners in restaurants this past weekend. They're looking forward to a great season. Businesses are still questioning what they will do regarding to masks. Some are requiring masks and some are not. Today was the first day of selling beach and transfer station stickers, some had masks some not, all were glad that the town is offering that service again. They anticipate a good season.

Mr. Ballantine commented that he got his beach and transfer station stickers on line, it worked out very well.

Ms. Anderson asked if music in the Port was on, off or to be determined.

Town Administrator Powers replied, that is a request coming from the Chamber of Commerce Executive Director and he has asked her to hold off until the Board has had a chance to talk about it. They've contemplated a discussion with licensees. It's appropriate to have a conversation with the Board on what expectations are and generally the community when it comes to noise. That could dovetail into the request of the music in the Port which is contemplative for July.

PUBLIC COMMENTS/ANNOUNCEMENTS

No public comments.

CONSENT AGENDA

- A. Vote to accept the resignation from Doreen Donohue from the Capital Outlay Committee

Mr. Ballantine moved to accept the resignation of Noreen Donohue from the Capital Outlay Committee.

- B. Vote to approve the annual Police appointments

Mr. Ballantine moved to approve the annual Police appointments

- C. Vote to approve the Garden Club of Harwich to hang a Certified National Wildlife Federation Community Banner at various locations

Mr. Ballantine moved to approve the Garden Club of Harwich to hang a Certified National Wildlife Federation Community Banner at various locations.

2nd by Ms. Anderson to approve the consent agenda. She spoke to Ms. Schuman of the Garden Committee who wanted to know how they would be notified. Ms. Anderson offered to call.

Mr. MacAskill responded that the process is that staff would call but she can make that call.

The vote was 4-0-0 with Mr. Howell, Ms. Anderson, Mr. Ballantine and Mr. MacAskill voting aye by roll call.

Ms. Anderson moved to approve the 2021 Committee Reappointment list and the Board of Selectmen Meeting Minutes for April 27, 2021, 2nd by Mr. Howell. The vote was 4-0-0 with Mr. Howell, Mr. Ballantine, Ms. Anderson and Mr. MacAskill voting aye by roll call.

NEW BUSINESS

- A. Discussion with the Chief of Police on enforcement of the noise by-law

Mr. Howell commented that this is not entirely what he had asked for, there's more than just enforcement of the noise by-law that the Board has been discussing and want to focus the Chief's attention on. There needs to be a follow-up on an agenda of priorities.

Town Administrator Powers notes that it rests with him and apologizes. He will make sure they have additional discussions on the agenda. He did himself a disservice to the earlier concept about music and the port, this conversation will be helpful when looking at other events and activities. We are aware of what the Board went through regarding liquor licenses associated with entertainment but also noise and operations. The packet contains the full noise by-law of the town. We can begin the conversation of what the Board is looking for from the community for noise around certain areas and operations generally.

Mr. Howell directed his comment to Chief Guillemette that while dealing with these issues, especially with the liquor and entertainment hearings that the Board had, it came to their attention that, while there were responses to some of these places, there weren't any records because people weren't cited. It left the Board in a poor position to be able to enforce the licenses that they issued. He expressed his dismay that if something happens that causes the police to go out there, his expectation would be that they could discuss it with the owner and diffuse the situation. However, a number of these places are chronic violators. For someone who the police haven't been called to before, possibly it could be some sort of

warning but there's got to be some paper record that allows them to enforce things that need to be enforced. The underpinning for the Board to enforce any violations of the noise by law would be a violation that would be issued by an officer. A response in the log that an officer went there isn't sufficient.

Ms. Anderson comments that it was painfully obvious at those hearings that the Board needs to do something about noise. To hear residents unable to sleep and the description of some of what went on, she feels we need some teeth in the law. If there's a violation and the police have to go back a second time it's another violation. She feels we need to get strict.

Mr. Ballantine agrees with the previous comments and states that he feels good about the by law itself. There has been criticism of the by law but the by law is straight forward about what the violations are. There is opportunity to hold people more accountable to those.

Mr. MacAskill commented that he and the Chief had this conversation related to a dirt bike issue and the noise by law. They got some clarification from legal on that particular thing. This is the beginning of many upcoming conversations about law. They are still due to review the report from the Noise Containment Committee. They will have to discuss what the punishment scale will be outside of our noise by law for licensed establishments. This will be a much broader conversation, several of the residents of Harwich Port hired an attorney who did their own opinion of the noise by law and what the Board should be enforcing. That person wants to speak, this is going to go in a deeper directions but tonight it's on the agenda so they can say they need to enforce the noise by law. The Chief has plenty to say tonight and some internal policies that they are contemplating or have come up with to address this. The Board also has their meeting with licensed establishments, this Board needs to set a direction in general on what they are going to allow for noise complaints before x happens and y happens. We need to post that and invite several people. This has been a hot topic for 3 years, outdoor entertainment started to be approved in 2016-2017. To go through as much as we have, we need to fix something.

Chief Guillemette of the Harwich Police Department expressed that this has been a frustrating experience, there are a lot of moving parts. In response to Mr. Howell's comments, he agrees but has to project his philosophy through the ranks in the Police Department. It depends on what you're operating under, everybody's talking about the noise by law. But as we've learned, there are liquor regulations that also apply. The by law has a clause that says a violation of the entertainment license is also a violation of the bylaw. He will ask for direction as far as which way the Board wants to go. His philosophy has always been that they are not responding out to a licensed establishment that has an entertainment license and a liquor license obtained through the local licensing authority that has major amounts of teeth in it and take action on both the entertainment and the liquor license by writing a \$150.00 noise by law citation. If the Board disagrees with that, he'd like to have that discussion. That is, they are not writing a noise by law citation. Often in the visits to those establishments, in his review of the records, yes some fell through the cracks. But there were also times when an officer would go out there for a complaint of loud music and not hear anything. It doesn't make sense to him to forward that to the Board because there's no necessary action. The majority of the calls over the last 3 years, due to other no noise occurring or the opinion of the officer that was nothing plainly audible, are going to fall into that category. He would like the Board to give him some direction if they think the philosophy is wrong and they want him or his officers to go out and actually write a bylaw citation. He has polled every police department on the Cape and none of them do it that way. All alleged violations, noise or otherwise, are brought to the attention of the local licensing authority.

Mr. Howell answers that yes that is what he wants. There is no way for them as a Licensure Board to enforce anything if there is no record of anything. No, he doesn't want them to make up a violation if it's not plainly audible but if they're hearing something that the person complained about, yes there should be

something written. It's up to the Board how that gets escalated. The establishments have continued to say that no citations were written to them.

Chief Guillemette replied that there is something. In each of those instances there's either a log entry with the officer's observations and findings or as he has requested, there's going to be a log entry, a log number and a police report done. There is a record and that is what was forwarded to the Board. Obviously if they issue a citation there will be a report to go along with it. He asked if the Board wants a monetary citation written for the by law violation and then accompanied by a report. That fine is managed through the town but then if they fail to pay it goes to court. It seems to be adding an extra layer that's not necessary.

Mr. Howell clarifies that he, as an individual has no authority to tell the Chief anything but the Board does. To look at Harwich Port particularly, it is substantively differently than it was 10-15 years ago. There's a lot more going on which is good for tourism. The Route 28 corridor is 150 feet deep on either side for businesses, after that it's residential. It's difficult to live in that context. Something has to be done, it became apparent at the hearing that a log entry was not sufficient.

Town Administrator Powers commented that he understands what the Chief is saying. Within the liquor regulations there are 4 instances that relate to noise. There is a line early in the regulations that talks about noise from the establishment cause by people waiting in a line to get into the establishment. Later in the regulations, there is a reference to overall management of the establishment. The last item in that sections talks about when there is any noise, disturbance, misconduct etc. In each of those, separate from entertainment, the licensing regulations refer to them as, held in violation of the license and is subject to proceedings for discipline. He emphasized that as they talk about noise as it relates to licensed establishments, there are any number of opportunities for them to be accountable for noise. The Chief is correct that if they cite under a noise by law, it is a non-criminal offense disposition, we ought not to go that route. We want to go with the noise references and the liquor license violations. They can make a legitimate and significant distinction between noise caused generally under the bylaws and noise caused at a licensed establishment. There could be more charges as they are within the regulations. Then the conversation is how the Board wants to handle noise violations for non-licensed establishments. An example is the music in the Port, it could be a town use under the noise by law and it's not a licensed establishment.

Mr. MacAskill's opinion is that what the Chief has proposed tonight is different from what they had last year. There will be a police report on a licensed establishment, that's a big step forward. The Board will have to come up with, 3 noise complaints equals this one your license, 6 noise complaints equals this on your license etc. so that it is uniform across the board. The frustration last year was that when they had the hearings, they didn't know about those. We won't fix this tonight but the message from the Board would be, we need to enforce the noise by law. He also views them differently, licensed establishments vs non licensed establishments. The Board needs to look at the enforcement division and how fast the hearings are. Most important is that the Board has the information and the Chief addressed that tonight.

Mr. Howell commented that the music in the Port is one night and wall noise is not equal to all other noise. When it happens is as important as where it's happening. It's something that benefits everybody, there's no alcohol involved and it ends at either 8:00 or 9:00. That is a very different situation than egregious noise at midnight.

Ms. Anderson commented that we have steps to make and appreciates what the Chief had to say. She'd like to continue this conversation when it's brought with the licensing as well. She agrees that there should be a very clear list and very consistent.

Town Administrator Powers referred to noise by law #189-1 subsection f sub item 9, public gathering. When it comes before the Board, it is an act that they'll permit and that section of the by law allows that to happen. There are opportunities for the town through the selectmen to allow these things to happen but they are controlled and there is a structure around them.

Mr. Ballantine commented that it's been a good discussion, this is the first time the Board has been presented with the concept of licensed vs non licensed, concern about noise and what the opportunities are. It gives the Board guidance to go forward and he too likes the escalation clause. We want to be fair to the businesses and the abutters.

Mr. MacAskill stated to the Chief that the message is being sent by the Board that they want to enforce the noise by law. He view the licensed establishments differently than a dirt bike in somebody's back yard. He asked the Chief to describe the internal policies to start the enforcement of this and his mechanism for getting this to the Town Administrator as soon as these things happen so the Board can be informed.

Chief Guillemette replied that his personal policy and with the command staff, is that there will be a very intense review of the law especially on the weekends but every week during the summer season. Any and all issues that could potentially impact an entertainment or liquor license or conduct is going to be sent to the Board for review. He released a 3 page policy statement on Friday before the weekend to avoid getting off on the wrong foot. It included changes from what they have done in the past. It requires that every time they interact with a drinking establishment, no matter what, it get s a log entry, an incident number and a detailed police report. Regarding noise complaints which also include crowd noise which was fairly new last year that is going to fall into the same category as live entertainment with amplification from this point forward. It is creating as much of a problem, if not more, than actual music. He has guidance for investigating officers with noise as well as noise from entertainment, it talks about the 150' rule and the officer should identify where they're located, try to speak to the reporting party, listen from that area and then determine if they are 150' from there and document their findings. At the start of outside entertainment, it was the Chief's policy to afford the establishment one warning which would be in the form of a written notice to the manager. There will no longer be warnings, written or verbal. Everything will be documented and sent up the line to the Board. The officers do contact management every single time they respond to a complaint, tell the manager what the complaint was and their findings. The Chief is instructing the officers unless he receives different guidance, that they are handling these issues not as a written by law noise citation but as something that is going to be detailed and documented and sent to the licensing authority for potential action for each and every one. He included the changes to The Port and Ember regarding their outside entertainment license and the limitations on those. They all continue to try and do some roll call training to that to be sure everyone is aware of the standard for this season. At 10:00PM all outside entertainment must end, any noise after that is clearly an alleged violation that needs to be brought to their attention immediately. Another issue at the Noise Containment Committee meeting was the definition of "plainly audible". The Chief believes that the definition of plainly audible should be that which is within the noise bylaw that reads as any sound from a source regulated by this bylaw that can be detected beyond routine normal ambient background noise by unaided human hearing. The premises are supposed to be open at all times to inspection by the police because they are the agents of the local licensing authority and any hindrance to this type of thing can also call for action against the license. This also relates to things other than noise. There is a conflict between the local regulation and the state statute regarding closing time. All town issues liquor licenses show a 1:00AM closing time but local regulation appears to allow for a 15 minute buffer period so no people are supposed to be on premises 15 minutes after closing time. That is different from state law, he is instructing his officers to allow the 15 minutes at this point in time unless the Board wants to get a legal definition and tell him otherwise.

Ms. Anderson asked the Chief to explain the difference between the town's 15 minutes and the state law.

Chief Guillemette answered, state law is that all persons have to be off the premises by 1:00AM. The town allows people to be there 15 minutes after but without consumption of alcohol during that time.

Mr. MacAskill requested that the Town Administrator find out if the 15 minute local is superseded by the state, for the next meeting. Most Cape towns don't allow for outdoor entertainment and those that do, they have to move inside by 10:00PM. Previous Boards have put this out there as a draw to Harwich Port and it's been well received. Unfortunately now it has been abused. Considering the number of people that have voiced concerns they have no option other than to put these policies in place.

Mr. Bob Cohen commented that he appreciates what the Chief and the Board said tonight. As a side issue, there seems to be a growing problem with noise from rental properties. Selectman Ford mentioned that he had fielded complaints from large rental properties. Mr. Cohen has one in his neighborhood that has been a problem with reoccurring noise problems from weddings and other properties. He does not know how to deal with this issue but part of the problem may be in section E of the noise by law which provides a kind of look hole for property owners. In the first paragraph, the person directly responsible for the noise as any person so acting as to violate the provision of this bylaw. Generally it's the renter who's playing the music, shouting or carrying on, who is the primary person charged with this violation. The owner or the manager is only charged with the violation if that primary person can't be determined. Ordinarily this would be reasonable but when there are repeated violations at the same property, it might be good to have the owners bare more responsibility. As it stand now there's little incentive for property owners themselves to contain the noise. He is hoping this could be addressed in the future.

Mr. MacAskill responded that this is the first of many conversations and resident concerns will be addressed very soon.

B. Discussion and possible vote to hold a Public Hearing for the alleged violations at Seal Pub - 703 Main Street.

Town Administrator Powers explains that there are 2 different establishments and 2 different actions. Chief Guillemette provided a memorandum in the packet to see if the Board thinks what he has provided rises to the level for a hearing if a violation had occurred. A separate actions would be naming the Town Administrator as a hearing officer.

Ms. Anderson feels a hearing is necessary in order to be consistent. She also hopes this is an unusual week and that they don't get a letter every week.

Mr. Ballantine sees the reason for consistency but is reluctant to raise this to a hearing at this point. It was a well written and detailed report.

Mr. Howell respectfully disagrees. He feels a tone and standard should be set early on. A lack of enforcement is misconstrued as meaning a lack of forbearance, that everything is fine. With so many places involved, it would not be hard to conceive of losing control of this. He would like a statement to be made that the rules are the rules, it's important they come into the venue and be told if there is a violation and what's going to happen.

Mr. Ballantine agreed with Mr. Howell and Ms. Anderson

Mr. MacAskill commented that as they progress with committee recommendations and Board conversations, maybe they should have an enforcement division that's made up of other staff so it doesn't

always have to be the Town Administrator. Based on the Police reports, it is worthy of having a hearing. He has read detailed reports from the Town Administrator that he has reviewed finding of facts and has found not responsible and issued a warning. At least they'll know that by 1:15 the lights should be off and nobody should be there. For that reason, there should be a hearing on this.

Mr. Ballantine moved to hold a Public Hearing for the Seal Pub - 703 Main Street for the alleged violation, 2nd by Ms. Anderson. The vote 4-0-0 with Mr. Howell, Ms. Anderson, Mr. Ballantine and Mr. MacAskill voting aye by roll call.

C. Discussion and possible vote to authorize the Town Administrator to be the Hearing Officer for the Public Hearing for alleged violations at Seal Pub - 703 Main Street

Mr. Ballantine moved to have the Town Administrator be the Hearing Officer for the Public Hearing for alleged violations at Seal Pub - 703 Main Street, 2nd by Ms. Anderson. The vote was 4-0-0 with Mr. Howell, Ms. Anderson, Mr. Ballantine and Mr. MacAskill voting aye by roll call.

D. Discussion and possible vote to hold a Public Hearing for the alleged violation at Wychmere Harbor Beach and Tennis Club- 23 Snow Inn Road

Mr. Howell moved to hold a Public Hearing for the alleged violation at Wychmere Harbor Beach and Tennis Club 23 Snow Inn Road, 2nd by Mr. Ballantine.

Ms. Anderson referred to the packet which has what took place on May 16th. There is also a narrative for May 22nd. She questions if it is for another case.

Town Administrator Powers explained that one narrative for the 16th was not filed until the 22nd.

The vote was 4-0-0 with Mr. Ballantine, Ms. Anderson, Mr. Howell and Mr. MacAskill voting aye by roll call.

E. Discussion and possible vote to authorize the Town Administrator to be the Hearing Offer for the Public Hearing for alleged violations at Wychmere Harbor Beach and Tennis Club - 23 Snow Inn Road

Mr. Howell moved to authorize the Town Administrator to be the Hearing Officer for the Public Hearing for alleged violations at Wychmere Harbor Beach and Tennis Club - 23 Snow Inn Road, 2nd by Ms. Anderson. The vote was 4-0-0 with Mr. Howell, Ms. Anderson, Mr. Ballantine and Mr. MacAskill voting aye by roll call.

F. Discussion and Possible vote to approve one day entertainment license for a private wedding to be held on July 31, 2021

Mr. Ballantine moved to approve a one day entertainment license for a private wedding to be held in the backyard on July 31, 2021 from 5:00PM to 10:00PM

Mr. MacAskill stated that there is no address available. He asked to withdraw the motion, it's important since they are supposed to notify the public that they have the address.

Mr. Ballantine withdraws his motion.

There was an individual who had asked to speak to this issue but did to answer the call when addressed.

G. Discussion and possible vote to accept a gift in the amount of \$2,728.98 from Friends of Harwich Town Bank to the Recreation Commission

Mr. Howell moved to accept a gift in the amount of \$2,728.98 from Friends of Harwich Town Band to the Recreation Commission, 2nd by Ms. Anderson. The vote was 4-0-0 with Mr. Howell, Ms. Anderson, Mr. Ballantine and Mr. MacAskill voting aye by roll call.

OLD BUSINESS

A. Ongoing discussion - Comprehensive Wastewater Management Plan (CWMP)

1. Discussion and possible vote for a dedicated wastewater meeting

Town Administrator Powers noted that our Town Engineer Griffin Ryder and our Wastewater Superintendent Dan Pelletier are both here along with GHD, our vendor that's helping us with modeling. Russ Klekamp is present. The discussion this evening is coming from this team who are contemplating a dedicated meeting to the topic of wastewater. There was a late afternoon email from Ellen Powell that included correspondence from the Chairman of the Yarmouth Board of Selectmen Mark Forest to the former Chairman of the Harwich Board of Selectmen Mr. Ballantine. Selectmen Forest indicated that there is an earnest desire of the other towns to contemplate those discussions regarding multi-town agreements and also that we are scheduled to participate in the wastewater meetings that we did as the three towns.

Mr. Howell adds that the Town of Yarmouth is only one of the three towns. From his own conversations with the Finance Committee in Dennis who would be hosting the plant, it doesn't sound like they would be adverse to having the conversation that would still have participation but not necessarily through the DHY process with a commission. We need to pursue that as a possibility, it's not just the flow we're going to be treating but also how we're going to do that. One doesn't preclude the other, it's possible for us to some sort of understanding that maybe Dennis builds the plant and we have IMA's with them to process. There's someone who's responsible for it as opposed to a commission that you send on its way and they never come back.

Mr. Ballantine noted an article in today's paper that Dennis is rethinking and they want to go back and question some of the information. This meeting is very timely, it's been discussed it broadly for a couple of years, it's time to dig into this and see where we're going. We've delayed discussion and action for some time now, this needs to be a top priority.

Ms. Anderson agrees that it's important to have a meeting.

Dan Pelletier Wastewater Superintendent comments that in order to make an informed decision on the sewer cad, one of the pivotal things on that model is identifying and location of sewer pump stations. They're hoping tonight to iron out a date to sit down collectively and go through the 30+ pump stations located throughout town.

Russ Klekamp comments that the point of the meeting would be to discuss the sewer cad model for the town which is going into cost estimates which will go into the financial plan that will be part of the modified CWMP. While they're all working on separate assignments, they all tie into the big picture. The first step is to iron out the pump station locations. With the gravity system, everything flows downhill so the pump station sites tend to be in low points. Also in low points is water which usually means there's conservation areas around. They could be in a flood zone or on private property. They've

laid out their shot, roughly 30-32 pump stations sites that look to be on parcels that look to be buildable. They want to go through those with the Board, site by site so the Board understands where they are proposing to put these pump stations. Aesthetics can also be discussed, the Board can chose the look. Odor control is an issue, they can put in odor control, if it's built properly, and odors are minimal. Before they build the model they want to be sure everyone is ok with the pump station sites. It's a big project but if it's broken down step by step it becomes more palatable. He feels a meeting to discuss pump sites is well worth the time.

Town Administrator Powers suggests that the meeting date is no later than June 14th for the pump station site discussion and then June 15th for the normal Board meeting.

Mr. Howell comments that planning was begun based on a number of people being hooked up via grinder pumps which required them to buy a generator as a backup. He would like to see the Board make sure to the extent possible, this is a municipal system. He doesn't like the idea of picking out 20-30 people to take a hit for Harwich. He'd rather see it as a collective responsibility.

Mr. Klekamp stated that once everybody agrees, they're going to run a model and show the extent of those gravity sewers. They'll come back a second time to get gravity coverage and explained those options.

The June 14th date was agreed upon by all parties.

Mr. MacAskill noted that this is for consideration. We ultimately have a CWMP which shows that part of town being sewerred. This Board is to saying what we're doing right now that we're not going to jump into sewerred that part of town. There are still a lot of unanswered questions related to East Harwich.

Mr. Pelletier added, with respect to the CWMP, he wants to make the Board aware that the team had a brief meeting with MEPA with respect to the initial direction and changes to CWMP. They are scheduling a follow-up meeting and they are making progress.

CONTRACTS

A. Discussion and possible vote for the board of Selectmen to authorize the Chairman of the Board of Selectmen to execute Change Order Number 3 with RJV Construction Corporation for Phase 2 Contract 2 of the Harwich Sewer Construction Project for \$16,263.00

So moved by Mr. Ballantine, 2nd by Ms. Anderson. Mr. Howell notes that it is well within their contingency fund. The vote was 4-0-0 with Mr. Ballantine, Ms. Anderson, Mr. Howell and Mr. MacAskill voting aye by roll call.

B. Discussion and possible vote for the Board of Selectmen to authorize the Chairman of the Board of Selectmen to execute Change Order Number 5 with Robert B. Our Company, Inc. for Phase 2 Contract 1 of the Harwich Sewer Construction Project for \$13,682.00

So moved by Mr. Ballantine, 2nd by Ms. Anderson. This is within the contingency funds. The vote was 4-0-0 with Mr. Ballantine, Ms. Anderson, Mr. Howell and Mr. MacAskill voting aye by roll call.

C. Discussion and possible vote to approve the memorandum of Understanding between the Nutrition Program for the Elderly and the Harwich Community Center - \$75.00 per month.

So moved by Mr. Ballantine, 2nd by Mr. Howell. The vote was 4-0-0 with Mr. Ballantine, Ms. Anderson, Mr. Howell and Mr. MacAskill voting aye by roll call.

D. Discussion and possible vote to authorize the Chairman of the Board of Selectmen to execute contracts with Barnstable County for the dredging of Allen Harbor channel for \$98,217.00 and the dredging of Saquatucket Harbor channel for \$108,000.00

So moved by Ms. Anderson, 2nd by Mr. Ballantine.

Mr. MacAskill notes for the public that all the information is in the public packet for this subject.

The vote was 4-0-0 with Mr. Howell, Ms. Anderson, Mr. Ballantine and Mr. MacAskill voting aye by roll call.

E. Discussion and possible vote to award Surplus Beach Sand bids

1. Wendy and Douglas Kreeger - \$10.50 per unit
2. Charlie Dickson - \$9.51 per unit
3. Ayer Lane Property Owners Association - \$10.75 per unit
4. Joseph Nolan - \$11.00 per unit
5. Peter Lambertus - \$12.50 per unit
6. Michael Palitz-\$9.00 per unit
7. Ellen Broussard - \$10.50 per unit
8. Paul and Karen Cormier - \$11.00 per unit
9. Karen Agnew - \$13.57 per unit

Ms. Anderson moved to approve as presented, 2nd by Mr. Ballantine.

Mr. Howell asked how this is allocated.

John Rendon Harbormaster responded that it goes by the highest bidder, would be selected first by what they requested and they work their way down based upon that. Based the pre-dredge surveys that just came back they will be able to accommodate all requests in addition to the public beaches that they intend to nourish.

Ms. Anderson asked if these are all the bidders or just the ones that will be awarded.

Mr. Rendon states that is everybody.

Mr. Ballantine asked if there was more sand that could have been sold or are they going back to the public beaches.

Mr. Rendon stated that for Saquatucket they will probably have more sand than was intended for the public beaches so they will probably put more on the public beaches. It's hard to figure, there's an amount coming out of Saquatucket and the pipeline only reaches a certain distance to get to both public and private beaches.

The vote was 4-0-0 with Mr. Howell, Mr. Ballantine, Ms. Anderson and Mr. MacAskill voting aye by roll call.

TOWN ADMINISTRATOR'S REPORT

Town Administrator Powers added to the update in the packet regarding the process to replace the snack shack at Saquatucket Harbor. The town through counsel is working with the Griffith family and their counsel to reach a conclusion on the equipment. They are trying to get out of a lease that did not give the town what they would normally get in a lease and doing it better going forward.

Mr. Howell commented that there were a number of local people who were interested in bidding on the contract, not sure about the licensing agreement. It didn't appear that the last time around that any local people received a bid, they relied on Commbuys which is the state procurement system. He would like to encourage bid participation from local businesses.

Mr. Ballantine stated that he is getting questions about when it's going to open again.

Mr. MacAskill would like to look at a licensing agreement next week, time is of the essence. This is an important part of the revitalization of Saquatucket Harbor. Counsel has noted the poor quality of the lease agreement, interesting statement since his firm created the agreement.

SELECTMEN'S REPORT

Mr. Howell noted that there are 4 Board members, moving forward to summer it's important that people share their plans. They need to inform the Chair.

Ms. Anderson - no report

Mr. Ballantine noted that they should be able to share their calendars on the town side.

Mr. MacAskill suggested that any Board members with plans should just send him a message. He also asked the Board members to consider their goals. They will have to create goals and objectives, his goal and objective is finishing a number of things that have been started. There are a lot of things to get finished and a lot of important topics before the town. He will work with the Town Administrator to align the goals and objectives. He asked for their requests for liaisons to committees, he'll try and get everybody something that they're interested in.

Mr. Howell moved to adjourn, 2nd by Ms. Anderson. The vote was 4-0-0 with Mr. Howell, Ms. Anderson, Mr. Ballantine and Mr. MacAskill voting aye by roll call.

Respectfully submit,

Judith R. Moldstad
Recording Secretary

