

APPROVED

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, JUNE 10, 2019
6:30 P.M.**

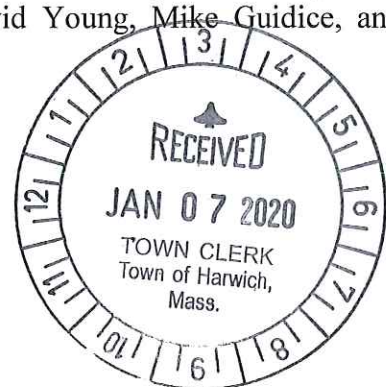
RELEASED

SELECTMEN PRESENT: Ballantine, Ford, Howell, MacAskill, and McManus

OTHERS PRESENT: Town Administrator Christopher Clark, Assistant Town Administrator Joe Powers, Jim Peyton, Peggy Rose, Jon Idman, Carolyn Carey, Charlie Sumner, Eric Beebe, Carol Coppola, Police Chief David Guillemette, Cyndi Williams, David Young, Mike Guidice, and others.

WEEKLY BRIEFING

None presented.



PUBLIC COMMENTS/ANNOUNCEMENTS

Mr. Ballantine recognized WWII veteran Isabelle Monteleone of Harwich. Jim Peyton provided a brief biography of Ms. Monteleone. From 1943-1945, she volunteered for Red Cross as a civilian and was assigned to the 502nd parachute infantry--101st airborne division. She was awarded the Medal of Freedom and was recently honored by Red Cross with the Hero Award. Mr. Peyton requested that the Town recognize Ms. Monteleone for her service.

Peggy Rose announced that the current Director of the Harwich Historical Society, Janet Cassidy, will be stepping down on June 19th. Ms. Rose will fill the role until the position is filled by the search committee. Mr. Rose also announced a training session for museum docents. She invited the members of the Board to become members of the Society.

Jon Idman of the Cape Cod Commission announced the annual One Cape Conference at the Wequassett and invited the Board to attend the Counselor's and Selectmen's Breakfast on the second day. He said they are still accepting proposals for talks.

Carolyn Carey announced that applications are being accepted for vendors at the Seaside Marketplace. Applications can be found on the Town website, at the Community Center, or at the Cultural Center. She also reminded folks that the Community Center will close at 9pm starting July 1st.

Mr. Clark introduced Charlie Sumner, subcontractor for Weston and Sampson, the contractor for the wastewater-phase 2 project. Mr. Sumner will serve as project manager/outreach coordinator

for the project. Mr. Sumner provided some background as well as his contact information for the public to be able to reach him: email--CSumner@townofharwich.us, phone--(508)430-7514 x3313.

CONSENT AGENDA

- A. Vote to appoint Griffin Ryder as the Town's representative on the Cape Cod Regional Transit Authority with a term to expire June 30, 2020
- B. Vote to approve to waive demolition permit fee for 13 Queen Anne Road
- C. Vote to approve inserts to July 1, 2019 tax bill:
 - a. Treasure Chest Sticker Notification
 - b. Approval of Tax Bill Insert for Flood Insurance Information
- D. Vote to approve Revolving Fund Cap Increase for the Recreation Department

Mr. Ford moved to approve Items A-C. Mr. MacAskill seconded. Mr. Ballantine asked Mr. Clark about the Flood Insurance Information insert. The motion carried by unanimous vote.

Mr. Howell voiced concerns about the request to increase the funding cap in Item D. Mr. Beebe explained that an unexpected need arose for a new program for students at the end of the school year. Mr. Howell recognized the need but would prefer the Department better estimate the cap moving forward. Mr. Clark agreed that this would be favorable in the future but could not have been predicted in this case. Mr. McManus moved to approve raising the cap from \$175,000 to \$200,000 to provide services for parents in need. Mr. MacAskill seconded. Mr. Ballantine also expressed the importance of better estimating the budget and Mr. MacAskill reminded the Board that Mr. Beebe had agreed to provide quarterly reports. The motion carried by a vote of 4-0-1, with Mr. Howell abstaining.

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

- A. Vote to award the sale of Municipal Bonds & Bond Anticipated Notes; Carol Coppola, Director of Finance.

Ms. Coppola explained that the town had gone to market to sell general obligation bonds and short-term bond anticipation notes. There were four bidders for each offering. The bonds were sold at \$10,120,000 at 2.31% interest. The anticipation notes were sold at \$2.1 mil. at 1.68% interest. The Treasurer, Collector, and Director of Finance are asking the board to award the general obligation bonds to Raymond James and Associates, Inc. and the anticipation notes to Piper Jaffray and Company.

Mr. Ballantine asked about the relationship between the rate of the bonds and the debt financing. Ms. Coppola explained that we are in a different buying market. While we are down in points from last year, it would be incorrect to compare the bond rate to our AAA rating.

Mr. Howell moved to approve the sale of \$2,161,617 at 2.5% of general obligation bond anticipation notes of the town dated June 21, 2019 and payable June 18, 2020 to Piper Jaffray and Company at par and accrued interest plus a premium of \$17,530.72; further that in connection with the marketing and sale of the bonds the preparation and distribution of the notice of sale and preliminary official statement dated May 23, 2019 and the final official statement dated June 4, 2019 (so called official statement) each in as such form as the may be approved by the town Treasurer be and hereby are ratified, confirmed, approved, and adopted; further that in connection with the marketing and sale of the notes, the preparation and distribution of the notice of sale, the preliminary statement dated May 23, 2019 and the final official statement dated June 4, 2019, each in such form as may be approved by the town Treasurer be and hereby are ratified, confirmed, approved, and adopted; further that the bonds shall be subject to redemption at the option of the town upon such terms and conditions as are set forth in the official statement; further that the town Treasurer and the Board of Selectmen be and hereby are authorized to execute and deliver a continuing and significant events disclosure undertaking in compliance with SEC Rule 15.C.2-12 in such forms as may be approved by Bond Council to the town which undertaking shall be incorporated by referencing the bonds end notes as applicable for the benefit of the holders of the bonds and notes from time to time; further that we authorize and direct the town Treasurer to establish post insurance federal tax compliance procedures and continuing disclosure procedures in such forms as the town Treasurer and Bond Council deem sufficient or if such procedures are currently in place to review and update said procedures in order to monitor and maintain the tax exempt status of the bonds and notes and to comply with relevant securities laws; and further that each member of the Board of Selectmen, the Town Clerk and the town Treasurer be and hereby are authorized to take any and all such actions and execute and deliver such certificates, receipts, or other documents as may be determined by them or any of them to be necessary or convenient to carry into effect the provisions of the forgoing votes; and that the maximum useful life of the departmental equipments listed below to be financed with the portion of the proceeds that the borrowing authorized by the vote of the town passed May 2, 2016 at town meeting as Article 16 is hereby determined pursuant to general law C.44, paragraph 7.1 to be as follows: marina improvements with a borrowing amount of \$257,600 with a maximum useful life of 15 years, further voted that the sale of \$9,105,000 of general obligation municipal purpose loan of 2019 bonds of the town dated June 20, 2019 (so called bonds) to Raymond, James and Associates at a price of \$10,200,073.35 in accrued interest is hereby approved and confirmed—the bonds shall be payable on June 15 of the years and principal amounts and bare interest at the respective rates and contained in the chart in the enclosure. Mr. MacAskill seconded the motion. The motion carried by unanimous vote.

NEW BUSINESS

- A. Request for the annual transfer of cell tower funds for Affordable Housing Trust in the amount of \$40,517

Mr. MacAskill moved to approve the request for the annual transfer of cell tower funds for the Affordable Housing Trust in the amount of \$40,517. Mr. Howell seconded the motion.

Mr. Howell clarified that this was essentially taking money from one fund and putting it into another.

The motion carried by unanimous vote.

- B. Request for memorial park bench to be placed at Pleasant Bay Beach in memory of Larry Oakley—Eric Beebe & Link Hooper Approved.

Mr. MacAskill moved to approve the request for the memorial park bench to be placed at the Pleasant Bay Beach in memory of Larry Oakley. Mr. McManus seconded, and the motion carried by unanimous vote.

- C. Procedure on the release of certain Executive Session Minutes

Mr. Powers explained that this was an attempt to streamline the process by which the Board approves Executive Session Minutes and eliminate “serial” Executive Sessions (e.g. meeting simply to approve Executive Session Minutes—a meeting which would also require its own minutes).

Mr. Howell voiced his opinion that the current process is better than that being proposed because the accuracy of the minutes is the most important and not the expeditiousness of the process. He also thinks there is currently a procedure in place to approve minutes more quickly on a case-by-case basis. He likes the idea of the confidential packets so members can look at them ahead.

Mr. Powers and Mr. Clark will review the policy, revise, and return to the Board for a second reading.

- D. Request to conduct a study of the salt marsh behind Red River Beach which will require the use of a drone—Vote to approve study and waive drone policy—Police approved with stipulations

Mr. Clark explained that a student at UMass Amherst will be studying the effect of sea level rise on salt marsh. The request has nine sites in the marsh (half in Chatham, half in Harwich). The policy is meant to prevent recreational drone flyers at the beach. He clarified this is not going to be on the beach itself and is for research and educational purposes. The researchers have agreed to share the results and data from the research with the town, which will be beneficial to the town.

Mr. MacAskill moved to approve the study of the salt marsh behind Red River Beach and waive the drone policy for said study. Mr. Howell seconded the motion.

Mr. Ford asked for clarification on the timing and location of the flights and any safety concerns. Mr. Clark responded that they had asked to fly over the beach for background information and that the police department required that the drone stay below 400 feet and notify the Chatham Airport.

The motion passed by unanimous vote.

E. Town of Harwich Ad Hoc Noise Containment Committee

Mr. Ballantine provided some background of the committee and plans to form a small committee of seven members comprised of the following: three from the business community (two business reps and Cyndi Williams from the Chamber of Commerce) and four residents.

Mr. Ford, Mr. Ballantine, Mr. McManus, and Mr. Howell voiced support for the committee and its charge.

Mr. Ballantine opened the discussion to public comment.

Taylor Powell, owner of Perks in downtown Harwich Port, expressed support for the committee, his preference that the committee rely on facts in its decision-making, and his opinion that music has led to increased revenue and growth for the town.

Mr. MacAskill asked if town residency was a requirement for committee members. Mr. Ballantine said, yes, that he expected year-round residents, as members would need to attend meetings in person.

Chief Guillemette anticipates a lot of complaint calls this season. He appreciated that Police and Fire Chiefs would be liaisons/support to the committee, so that they may provide assistance while remaining neutral.

Mr. MacAskill suggested that the Board ask Cyndi Williams for her participation, as she does not work for the town and has a lot of obligations. Ms. Williams agreed to participate on the Committee.

Bob Nickerson, resident of Harwich, voiced support for town residents and property owner input in noise-related decisions. He does not want to shut down the music but also suggested that some establishments are not respecting the rules.

Walter Mason, resident of Harwich port, voiced support for the music, the business owners in the commercial district, and the revenue they have brought to the town.

Mike Strangfeld, owner of Mad Minnow and 10 Yen, asked how the make-up of the committee would be determined. Mr. MacAskill explained that interested participants should fill out a citizen's activity form in the Town Administrator's office. Mr. MacAskill and Mr. Howell will interview potential members.

Mr. Ford asked about the timing. Mr. Howell suggested it would likely take 2-4 weeks to fill the positions, but the committee wouldn't be running until at least 6 weeks from the date of the meeting.

Mr. MacAskill moved to approve the ad hoc noise containment committee as presented. Mr. Howell seconded, and the motion carried by unanimous vote.

F. Phase 2 Sewer and Sewer Pump Station Easements: Execution of Order of Taking; and

Mr. Clark provided some background. CDM Smith has designed the systems, which require that some elements are on private property. Four of the seven pump stations are on private property. He said it is important that the Board votes on the order of taking, as the sewer commissioner. There is an opportunity for a 1% reimbursement if ownership can be proven. The system has been designed to maximize gravity and required an appraiser to determine that there was no additional impact to the landowner for sewer easements. The Town Clerk will need to do a certification of the ownership of the easements in public ways, so that issue will be tabled. Also, if there is a pump station on a public way, there is no need to do anything in terms of zoning. However, those on private ways will need approval by the Zoning Board.

Mr. Ballantine clarified that the Board is indeed the Sewer Commissioner by state law, as opposed to the "Acting Sewer Commissioner". He asked why the information clarifying ownership is late to be delivered to the Board and if the June 30th deadline to approve the easements is a firm deadline.

David Young and Mike Guidice of CDM Smith clarified that the issue is simply with determining public vs private land, and it's not necessary to determine the specific private property owner.

Recognizing that the town attorney would need to answer questions regarding property research and ownership, Mr. McManus moved to table Items F and G until June 17th. Mr. Ford asked Mr. Clark if a determination would be likely by June 17th.

Mr. Guidice clarified that, in order to meet the June 30th deadline, the Board would need to approve the order of taking and vote an intent to award the contract, conditioned on the DEP authorization to award, by June 17th.

Mr. MacAskill asked a couple questions to clarify the timing of the process and ownership of so-called county roads in question.

Mr. Howell seconded Mr. McManus's earlier motion to table discussion. The motion to table carried by unanimous vote.

G. Acquisition of Sewer and Drainage Easements in Public Ways: Execution of Order of Taking

Item tabled.

H. Overview of Bids on Contract 1 of Phase II Sewer Project—Discussion

Mr. Clark expressed disappointment that the estimates for the sewer project did not reflect the bid quotes. The town had evidence to believe that there would be 10-15 bidders. In reality, there were only 4 bidders. Changes in the cost of materials also likely contributed to bids higher than the estimates presented at town meeting.

Mr. Young further clarified that the lower bidders were all within 3% of each other—meaning that the quotes accurately reflect costs. Increased cost of paving was responsible for 42% of the cost differential between bid and estimate. Increased costs of pipes and pumping stations also contributed to increased overall costs.

Mr. Ford explained to Mr. Young and Mr. Guidice the level of scrutiny the Board is under as it relates to the budget.

Mr. MacAskill asked why the bidding period was only two weeks. Mr. Guidice answered that it was in order to meet the June 30th deadline and, therefore, qualify for the debt forgiveness. He also explained that the project was relatively straight forward and further clarified that Chatham put a similar project out to bid for 3-4 weeks and still only received four bidders.

I. Introduction of Charles Sumner as Western & Sampson Project Manager Phase 2 Sewer—Discussion

Mr. Guidice explained that they planned to break up Contract II in order to maximize the use of the appropriations.

Mr. Howell and Mr. Ballantine asked additional questions regarding timing and improving the process moving forward. Mr. Howell also suggested asking the town for more money to be able to complete the project as it was proposed, instead of staying within the confines of the appropriations while only partially completing the project.

Mr. Ballantine opened the discussion to public comment:

Noreen Donahue of Harwich spoke in opposition to increasing appropriations to an amount higher than what voters had approved, as well as opposed using the appropriations to complete a significantly smaller project than what was proposed.

Richard Gunderson of Harwich voiced similar concerns and asked if the town would still benefit from principal forgiveness from the state.

Mr. McManus expressed that the 0% interest and SRS qualifications are positive savings, despite the increased quotes in relation to the original estimates.

Mr. MacAskill voiced support for Mr. Howell's proposal for a fall meeting to increase appropriations and complete the entire proposed project. Mr. Clark clarified the process by which this would need to happen.

OLD BUSINESS

A. Committee Liaisons discussion

Mr. MacAskill moved to approve the committee liaison list as printed. Mr. Howell seconded, and the motion carried by unanimous vote.

TOWN ADMINISTRATOR'S REPORTS

- A. Department Reports:
 - a. Health Department
 - b. Golf Operations
 - c. Harwich Youth and Services

Mr. Clark had no additional comments.

SELECTMEN'S REPORTS

Mr. Ford addressed dropping pipes deeper into the ground in the sewer project in order to lower costs to homeowners by reducing needs for pumps.

Mr. MacAskill requested adding an agenda item to discuss potential repairs to Lower County Rd. with existing money.

Mr. McManus announced that the Selectmen Association monthly meeting would be held in Hyannis at the Hearth and Kettle on Friday morning and would honor John J. Cahalane, 7-year Selectmen from Mashpee who recently passed away.

Mr. Howell commented on the cost to homeowners for hooking up to the sewer system.

ADJOURNMENT

Mr. MacAskill moved to adjourn at 8:41 pm. The motion carried by unanimous vote.

Respectfully submitted,

Shilo K. Felton
Recording Secretary