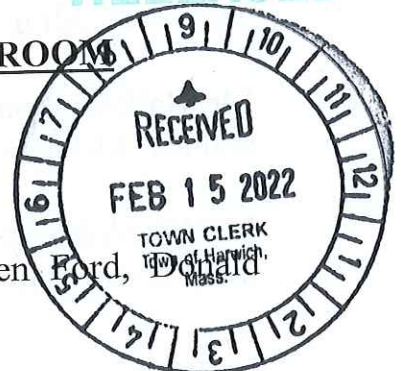


APPROVED

RELEASED

**MINUTES
SELECTMEN'S MEETING
REMOTE PARTICIPATION/GRIFFIN MEETING ROOM**

**Monday, July 13, 2020
6:30 P.M.**



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

ALSO PARTICIPATING: Interim Town Administrator Joseph Powers and Health Director Meggan Eldredge and Lieutenant Scott Tyldesly.

CALL TO ORDER

Lieutenant Scott Tyldesly introduced the remote meeting, and explained that if anyone wished to speak they need to send an email, specifying the certain agenda item, to comment@town.harwich.ma.us.

Mr. Ballantine opened the meeting at 6:30 pm, and called to order the Board of Selectmen. He explained he first called the meeting to order at 6:00 pm and went into Executive Session. He said that in Executive Session they discussed two items, the first was with respect to collective bargaining for Harwich Employees Association (HEA) and the Highways and Maintenance Employees Association (HEMA) for considering various strategies to move forward. Second item was strategy for contract negotiations for the Finance Director, the designated Fire Chief-Elect and the Police Chief.

REORGANIZATION OF THE BOARD

Mr. Ballantine said that it is that time of year that they are asked to reorganize the Board.

Mr. McManus nominated Mr. Larry Ballantine as Chairman, seconded by Mr. Ford. All in favor, motion carried by unanimous vote.

Mr. Howell moved that they appoint Mr. Stephen Ford as the Vice Chair. Seconded by Mr. MacAskill. All in favor, motion carried by unanimous vote.

APPROVED

Mr. Howell moved that they appoint Mr. Michael MacAskill as Clerk. Seconded by Mr. Ford. All in favor, motion carried by unanimous vote.

Mr. Ballantine said that the last two is for the interview committee, for Mr. Howell and Mr. McManus. Seconded. All in favor, motion carried by unanimous vote.

Mr. MacAskill expressed his frustration with backdoor conversations and said that those conversations should happen at this table with all five members of the board.

WEEKLY BRIEFING

A. Covid-19 Updates

Ms. Meggan Eldredge, Health Director, said that she would start with the numbers and explained that she sent out the weekly COVID update on Wednesday, through social media and the Town website, and the same information holds today. Therefore, since about a week ago, they have remained at 129 cases in Harwich, and 24 related deaths. She said that they have not had any new deaths in a while, which is great. Ms. Eldredge said that they have four active cases, so it leaves quite a few of those cases as resolved, or recovered. With the 71 at Wingate, it leaves 101 people that have recovered from the virus; so that's a really great odds for the Town of Harwich. She said that they received their part-time COVID enforcement inspector from the County. They had not had any bites on the local Town of Harwich COVID inspector position, however the County was able to get two full-time and one part-time person to do COVID compliance inspections for Cape Cod. She said that she met with theirs last week, and he's able to do about five to ten hours a week, depending on his schedule and the demands of the other towns that he's in. She said she wanted to make that announcement that he will be starting this week, so the businesses are aware that someone other than herself, her staff, or the police will be coming out to establishments randomly to make sure that they have their workplace safety standards in place. She said that they will react to any complaints that they get at the Health Department. Ms. Eldredge said overall, COVID numbers are coming down, and they are getting less than 200 positives in a day, sometimes less than 100 still throughout the Commonwealth. She said that they are seeing a lot of visitors, but they are seeing a lot of masks, and they are grateful that people are abiding by that. She added a few different things from the Governor's update last week, the travel advisory said that a Massachusetts resident traveling somewhere

outside of New England, New Jersey, or New York, when they come back they are being asked to self-quarantine for 14 days. If someone travels to New England, New Jersey, or New York, they don't have to self-quarantine when returning, and visitors from those places don't need to self-quarantine when they visit here. Anyone coming from somewhere outside of New England, New York, or New Jersey will be asked to self-quarantine for 14 days.

Ms. Eldredge said that they are in Phase III, and they get documents almost on a daily basis with what can and can't be done, guidance for indoor and outdoor activities. She said that live entertainment is allowed outdoors, but is restricted to the 100 person maximum, and that includes staff, as well as the performers and the people seated. No dance floors are allowed yet. She said that swim lessons can resume and she has been in touch with Mr. Eric Beebe, Director, Harwich Recreation, and he is looking at the possibility of getting those going again.

Mr. Ballantine asked how much testing is being done in their area?

Ms. Eldredge said that there are eight new testing locations off Cape, that are free to anyone who wants a test, just to ramp up testing in high-risk areas or places that are seeing a lot of community spread. Fortunately, they are not seeing a lot of community spread on the Cape, or in Barnstable County. She said that right now there are a few places where you can go and just get a free test, without a doctor's order, but people need to search for them. They are testing about 8,000 to 10,000 people every day, and only seeing 100 - 200 positives out of that whole range.

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

Ms. Cyndi Williams, Executive Director of the Chamber of Commerce, said that as Ms. Eldredge said, the guidelines come out regularly, and sometimes a couple of times a day or a couple times a week. She said that Ms. Eldredge has been amazing and they email back and forth, so that she can continue to update the businesses on what is true. She said that there have been a lot of people around this weekend and they saw a big tick in beach stickers. She said that they are very busy down at the Visitor Center, and some of the things that they are doing to help the businesses is a summer radio promo, which will start on Wednesday, and run through Labor Day. The premise is with the seven villages and so much to do in Harwich, people should spend their

summer in the Harwiches, and they had about 12 businesses participate. Ms. Williams said that hotels are on a regular schedule now and have been reporting in with their availability. She thanked everyone on the Board who has helped them through this.

Mr. Ballantine asked about the bottom line, and where they stand percentage wise for the businesses from last year?

Ms. Williams said that they are probably about half, but they are really starting to see it climb, and it has been a steady pace going up. She said that she thinks they are in a good place.

CONSENT AGENDA

A. Minutes for Approval:

1. October 28, 2019
2. May 11, 2020

Mr. Ford moved to approve the Minutes for October 28, 2019 and May 11, 2020. Seconded.

Mr. MacAskill commented that the minutes were well written and a reminder of how long their meetings are.

Mr. Ballantine said that they had a high school student make a recommendation for the hollow at Brooks Park, and he asked Mr. Powers if he could look into what happened with that and get back to them? Mr. Powers confirmed.

All in favor, motion carried by unanimous vote.

- B. Vote to approve the Interim Town Administrator's recommendation to grant permission of NSTAR Electric Company D/B/A Eversource Energy Eversource for the purpose of the installing approximately 28' of conduit and cable and 1 handhold #61/H22C in town road to provide service to customer at 119 Julien Road subject to conditions from staff.**

Mr. Ford moved to approve the Interim Town Administrator's recommendation to grant permission of NSTAR Electric Company D/B/A

Eversource Energy Eversource for the purpose of the installing approximately 28' of conduit and cable and 1 handhold #61/H22C in town road to provide service to customer at 119 Julien Road, subject to conditions from staff. Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

- C. Vote to refer the zoning amendment relative to "Essential Services" to the Planning Board for required public hearing.

Mr. Ford moved to vote to refer the zoning amendment relative to "Essential Services" to the Planning Board for required public hearing. Seconded by Mr. McManus.

Mr. MacAskill said that he had asked this to be moved up to consent agenda, because this is something that had previously been voted by the Board, and there was a public hearing. He said that they are only doing it again because there is a time lapse, because there's no Town Meeting until September. So they will have expired the public hearing, and will be required to have another one. He said that he had spoken with the Planner, who said it was very standard, so he did not see the need to leave it under new business.

All in favor, motion carried by unanimous vote.

PUBLIC HEARING/PRESENTATIONS

- A. Vote to approve the modification/addition to the entertainment license for Phoenix Park Inc. DBA Cape Cod Irish Pub – 126 Route 28, West Harwich – Weekday Entertainment 3 – 8PM outside, 3 – 1AM inside and Sunday 3 – 8PM outside

Mr. MacAskill asked that they table this, or bring it back. He said that they all received an email today from the administrative office that there was a change from the applicant to go from 8:00 pm to 10:00 pm. He said that they sent the email on Sunday, and staff read it this morning and forwarded it to them. He said that is certainly not enough time to let the public know that there was a time change. Therefore, he does not think it is appropriate that they take this up tonight based on the request for the time change. He said also, in preparation, they do not have a site plan showing where the band may or may not be, what type of music they are talking about, and any idea of how they are going to try and contain the sound. Mr. MacAskill said that when the other

restaurant out in West Harwich came before them, there was quite a bit of debate and a lot of people showed up at the meeting upset that they were thinking about seven days of outdoor entertainment. He said that the Board at that time agreed to a much more limited schedule. He said that in fairness to the applicant, maybe they can resubmit after they get a diagram, and show some sort of noise containment. Also, he would ask that they get some sort of recommendation from the Police Chief, or at least ask him to be involved in the conversation.

Mr. Howell said to add to what Mr. MacAskill said, it is posted for 8:00 pm, therefore they can't consider something beyond what the public had notice of.

Mr. Ballantine said that he knows they have several people joining them tonight, and he has had emails with objections to it. He said that their commitment is to bring it back and announce ahead of time, so that people have plenty of time to join them.

Mr. MacAskill moved that they postpone this item until they get further information. Seconded by Mr. Howell.

Ms. Lisa O'Neill, Owner, Irish Pub, asked to speak, and asked if they could consider the 8:00 pm tonight, and they could put it on the agenda for another time for 10:00 pm? She said that their business is about 5% of what they used to do, and this is really tough for them, because people do not want to go inside. She said that she would really like it if they could consider the 8:00 pm license. She said if they want to talk about noise control or volume, they can talk about it.

Mr. Ballantine said that he appreciates that, but besides the change in time, there was additional information needed as well. He said that they will try to schedule for Monday, when they can have answers to those questions.

Ms. O'Neill asked if she could answer the questions now, because the season is short.

Mr. Ballantine said that they cannot do that without a site plan review.

Ms. O'Neill said that Mr. Powers does have a site plan for the outdoor seating, for where the band would be in the perimeters.

Mr. MacAskill said that he is not trying to hold Ms. O'Neill up, and the last time, he made a motion immediately to allow them to go to 1:00 am. He said by no means is he trying to hold them up, and he appreciates the shortness of the season, being in small business. He said that they have shown a great deal of support to the Irish Pub, but they also have a group of residents that they also owe something to, and it is not part of their packet tonight showing anything information. He said that given the last business that they approved a license out there, it was a very different time, and people filled the room, and they filled the room today with emails, which should also be part of the public record. This board owes it to the public to show a plan at least on paper, that people could look at in the packet and allow for some debate on this. He said that he recognizes the difference between Harwich Port and West Harwich and that they showed that when they gave them the 1:00 am license indoors. He said it really is based on what part of town they are in and they really have not taken this up publicly to talk about the Irish pub and outside entertainment and what kind of music. He said that in the end, he is going to ask for the same site plan and diagram showing the direction and music and what they are going to do for containment. He said that also he thinks that their police chief should weigh in. He is not trying to hold them up, but he does not feel like it's a complete topic, and they need to be able to show the rest of the residents that they are taking this seriously.

Mr. Powers said that the expansion of the hours from the original request would require a new notice, and they have missed the deadline to get in the newspaper, being the Chronicle, so they could not do it next Monday. He said that the soonest it could happen is two weeks. He added that he did not believe that the site plan they had received by the applicant would provide what they were looking for showing where the music would be located.

Ms. O'Neill said that it would not because they thought that they would be back indoors, and they are super disappointed and they are being generous when they say that they are at 5% of their sales compared to last year, so they are very desperate.

Mr. Ballantine said that what they are asking for is the band location or live music, and how it is going to comply with noise containment in respect to the neighborhood.

Ms. O'Neill said that they will get them the new plan and asked to confirm that they will be on the agenda for next Monday?

Mr. Ballantine confirmed and said that they have a motion and a second.

All in favor, motion carried by unanimous vote.

NEW BUSINESS

A. Discussion and possible vote to accept the Subordination Agreement for CVEC Solar Array on Monomoy High School Roof

Mr. Powers said that there are a number of moving parts to this, and he knows that they are joined by Ms. Liz Argo, CVEC. He said that CVEC, Monomoy Regional School District, and the vendors in question, are anxious to get moving. He said that there are several problems as it relates to the discussion tonight, first when the town was made aware of the issue by CVEC, the meeting notice was specific to a discussion and possible vote to accept a subordination agreement for the CVEC solar area on the roof at Monomoy High School. He said that on Friday the developer indicated that a subordination agreement wasn't necessarily needed, so that changes the notice purpose. Mr. Powers said secondly, their council has significant concerns that could not be addressed by tonight, and that to really get to this, may require Town Meeting vote based on council's preliminary review and discussions on Friday. He said that he is not in a position to present any recommendation in favor of this, but he asked Ms. Argo to be present to give the Board some background, so that perhaps they can work with their Council to get an answer sooner rather than later.

Ms. Argo thanked the Board for putting this on the agenda. She said that the project at Monomoy High School was awarded two December's ago, and it's now ready to go. She explained that as part of the due diligence, a title search was performed and during that title search it was revealed that the lease between the town and the school district, that it did not point to the school district being the actual holder of the lease. Therefore, they have developed what's called the recognition and acknowledgement document. She said that the title of the document has changed, and what it does is to supports the lease as it exists, and recognizes that there will be another party involved, i.e. the developer, who would own the PV on top of the roof. She said that they need this additional document, which will give them a comfort and the financial partners the comfort that the photovoltaics would stay in place for not only the first lease which is for 20 years, but for the next 20 years, which is a right

to extend. She said that it is very hard for the developer to now delay the closing, and they are concerned that they could lose the project. The project will bring over \$50,000 a year in savings to the Monomoy School District, so everybody wants to see it go forward. Ms. Argo said that she understands that they need more discussions with legal, but she would ask that they might approve the signing and execution of the recognition and acknowledgment document, contingent upon legal approval. She said that way it would expedite things and they would not have to come back and use the Boards time.

Mr. Ballantine asked if she could clarify the timeline that they are working on?

Ms. Argo said that it has been in development for about a year and a half and was the first one to be approved by Eversource for the interconnection and the SMART incentive. She said that everything is ready to go and it is in the final last review of the leases for the title search that's where they recognized the issue. She said that to delay the closing is going to be extremely hard and there is a possibility they lose the project.

Mr. Ballantine asked if there was a way to extend the closing?

Ms. Argo said they discussed it with the developer's lawyers today and they said that they had the closing scheduled for last Friday. She explained that there was a lot of concern, but if they can get it approved next week, they can salvage the project.

Mr. Ballantine asked what the difference is between the subordination and recognition and acknowledgement documents?

Ms. Argo said that she is not the lawyer but that the subordination essentially keeps the lease between the school district and the developer, and subordinate to the lease that exists between the town and the school district. She said that it is a formal way of preserving a lease agreement that exists but acknowledging that there is another lease agreement subordinate to that. Ms. Argo said that the recognition and acknowledgement agreement has language that is particular to this situation and recognizes that the other party needs the protection to stay in place. It also better illustrates where the lease between a school district and the town was lacking in language.

Mr. Ballantine said okay.

Mr. Powers said that the document that they have in their packet is the recognition and acknowledgement document, and again, not what was noticed. He said that it was sent to council and they have concerns about it and there was no recommendation for the Board to execute or agree in any way. He said that some of the things they need to be aware of is the recognition and acknowledgement agreement comes from a third party, and that's not consistent with how they have operated for their contracts. Also, it is a tri-party agreement, so council had questions about that because it ties in between the town and the school district, and would have to incorporate elements of the regional agreement. He said that it needs more vetting.

Mr. MacAskill asked if this was the same contractor that they talked about a month ago, that didn't perform?

Ms. Argo said absolutely not, and that this contractor has been their most outstanding performer.

Mr. MacAskill said that they should listen to the Town Administrator and legal, and should not vote anything, but should bring it back.

Mr. Ballantine asked if Mr. Powers had an idea of when they would get a response from legal?

Mr. Powers said that he should have a better idea tomorrow.

Mr. McManus said that he thought they should be able to get it done by the end of the month, unless they require a Town Meeting vote, then that will be a different story.

Mr. Ballantine said that the bottom line is that they all want this to go forward, but their job is to protect the town on this too. He said that they are uncomfortable until they get it clarified.

Mr. Howell said to follow up on what Mr. MacAskill had said, their legal counsel has not actually vetted this or given any kind of approval. He explained that leases are complex contract documents and that this is not something that they can do tonight.

Mr. Ballantine said that it is their consensus to hold this and bring it back. He asked if Mr. Powers could email them information on when they could expect something from Town Council.

Mr. Powers said that he would update everyone on the schedule.

B. Vote to approve 2020 Annual Committee Re-Appointments – As listed in the packet

Mr. Howell said that he was hoping to hold this up for one week. He said that it was not submitted to the Board of Selectmen and there were a lot of things that were messed up, that he would like to know about in a more comprehensive way, so that they can fix everything at the same time. Also, he said that there would not be sufficient time for the next Board of Health meeting, because even if they voted it tonight, they could not be sworn in by tomorrow.

Mr. Ballantine said that they will bring it back.

Mr. MacAskill said that he has dealt with this for two years now, and there is a huge difference between what the Town Clerk has in her office and what the front office has. He said that there had been attempts to fix it, but it has not been fixed.

He said that at some point the new interview committee should meet with their office, as well as the Town Clerk and come up with some records for the committees that make sense. He said that the Town Clerk does the swearing in, so her records are pretty accurate, but there is no connection between the front office and downstairs. He said that it is years of mistakes that Mr. Howell has done a great job fixing the dates, but the lists are not accurate between the two departments.

C. Discussion and possible vote Fiscal Year 2020 Budget Transfers & Monthly Spending Plan for August, September & October

Ms. Carol Coppola, Finance Director, said that she has before them a couple of items for your consideration. First are the final budget transfers for FY20. She said that she provided a list of those transfers and explanations for them

in their packet, and would be happy to review them individually if that is their preference.

Mr. MacAskill said that he had one question based on the \$8,900 for the gas inspector. He said that it says to fund increase in gas inspector wages due to increased inspections for the new Cape Cod Regional Technical High School and Fire Station 2. He said that it was his understanding that they waive some permit fees, but they did not waive inspection fees. He asked if someone could explain why that went up to \$8,900 at all relative to Cape Cod Regional Technical High School, when that was supposed to be billed to them and paid by them.

Ms. Coppola said that they still had to employ somebody to manage those inspections, and so those are the costs of employment, the wages that were paid.

Mr. MacAskill asked if they are supposed to pay for the gas inspections, why wouldn't the revenue from that pay the difference, or does that go into a different line item?

Ms. Coppola said that's correct and that they always say in the municipal accounting world that expenses are expenses, and revenue is revenue, and never the two shall meet. So, they do not credit expenses with fees that they received for those services.

Mr. MacAskill said that it was mentioned in the packet that the Finance Committee was going to have a meeting. He asked if they had that meeting and if they had approved these?

Ms. Coppola said that the Finance Committee met last Thursday evening, on July 9th, and approved them unanimously, at a vote of 6-0.

Ms. Coppola said that she is also there to present to them the monthly spending plans, which they will call the 112th budget for the months of August, September, and October. She said that she is presenting it to them for the three months to ease their agenda, but they will be submitting them each month independently to the Department of Revenue. She said that she had a conversation with the Department of Revenue last week with regard to the three months submission, and some other municipalities are also presenting

multiple months at the same time. She added that she provided them with October as a just in case, in case they cannot hold their September 28th Annual Town Meeting. Ms. Coppola said there's a few items here that are one-time expenses that the Town of Harwich incurs, just like many other municipalities. She said that she provided detail of those in the packet, and the water commissioners will be meeting this week to take up the subject of the three months as well. They will be in voting on them individually, which she said that she has suggested to the Board of Selectmen as well. They will then submit them for approval, and then of course they established budgets in their accounting system to control spending. She said that she is happy to review these in detail if they prefer, she is just looking for their direction.

Mr. MacAskill asked if they will get a recap of how the budgets go month by month?

Ms. Coppola said absolutely.

Mr. Ballantine asked if she could explain the Board of Selectmen Reserve?

Ms. Coppola said that it is a bit of a complicated process. She said that the Department of Revenue had given instructions as to how these monthly spending plans would be built, and they are based on the FY 2010 cap. She said that is where it begins, and then they subtract out any amounts that were appropriated for FY19 from free cash. The amount was \$137,500 and was for snow and ice. So, that amount is subtracted from the tax recap number, and then the Department of Revenue says simply divide it by twelve. Once they divide it by twelve, if they can't get to \$6.5 million, then they say you have to get to that number or they reject the spending plan. She said that what they are asking, is that they preserve that amount under the Board of Selectmen, who is the elected body who could use those funds if they need to during the month. She said that she does not anticipate that they will need to use them, but they will see in August and October, that she included a line item of the Board of Selectmen reserve for those purposes.

Mr. Ballantine asked if this was basically to balance the spreadsheet?

Ms. Coppola said that is correct.

Mr. MacAskill moved that they approved FY20 budget transfers and monthly spending plan for August, September, and October and authorize the chair to sign.

Mr. McManus said that given that the transfers are for FY20 and everything else is for FY21, he asked if they do the transfer separately?

Mr. MacAskill said that he will change his motion, and said that he moved that they approve FY20 bank balance budget transfers, as presented. Seconded by Mr. Howell.

All in favor, motion carried by unanimous vote.

Mr. MacAskill moved that they approve the monthly spending plan for August, September, and October 2021 budget, and authorize the Chair to sign. Seconded by Mr. Howell.

All in favor, motion carried by unanimous vote.

D. Vote to approve the Assistant Town Administrator's Step Increase – from M7, Step 7 to Step 8 with corresponding increase salary from \$109,351 to \$112,086 retroactive to May 20, 2020 (one-year anniversary date)

Mr. Ballantine said that he had shared a copy of the employee bylaw, which makes this fairly standard as long as he has a satisfactory performance, and he thinks it is greater than that. However, he said that with everything else going on, this is an appropriate discussion.

Mr. MacAskill said to start that he will absolutely approve the step increase, and had participated in the informal review of the acting Town Administrator and gave him a passing grade, with very little commentary. However, he wanted to point out that the offer letter dated April 16th, 2019 and signed by Mr. Powers on April 17th, 2019, stated that his position title will be Assistant Town Administrator, with starting date of May 20th, 2019, and starting salary of \$102,041, grade m7, step 6. He said that on July 1st, 2019, the salary will be adjusted to \$109,351, grade m7, step 6. He will be eligible for a step increase on or before July 1st, 2020, after a positive evaluation, which he had. Mr. MacAskill said that his only challenge is the retro and trying to understand

from the Board why they would do retro when the anniversary was in fact July 1st, 2019.

Mr. Ballantine said that the reason he had done that was because he thought the hiring date was May 20th

Mr. Powers said that the salary differential was a result of the Board's action on the personnel bylaw compensation schedule. He said that it wasn't a step increase, it was a dollar increase, because they had adjusted it to be commensurate with the SEIU.

Mr. Ballantine confirmed that the July 1st was a separate action from the actual hiring date of May 20th.

Mr. MacAskill again questioned why it says that on July 1, 2019 that the salary would be adjusted but it is not mentioning the step increase to the m7 step 6. He asked why it would not show in the offer letter the May 20th anniversary date?

Mr. Powers said that he cannot speak to the reason why the Administrator wrote it that way.

Mr. MacAskill said that his point is that it is a letter that Mr. Powers signed. He said that it is not a lot of money, so he is not hung up on that.

Mr. Powers said that if Mr. MacAskill is talking about the on or before, that is the language in the personnel bylaws. In this case, it is before, because it is based on the hire date, as the bylaw says.

Mr. MacAskill asked about the SEIU language that brought up the dollar amount.

Mr. Powers said that if his memory served correctly, he thinks that they had done the increase in early April, and the offer was extended to me April 15th. He said that by that time the salary adjustment was done by the Board. He explained if they look at the predecessor, who received the offer before him, there's the similar "your salary will be this rate unless it's that rate". He said it was his understanding that the administrator was trying to account for a pending action on salaries.

Mr. McManus moved that they approve the Assistant Town Administrator's Step Increase – from M7, Step 7 to M7, Step 8 with corresponding increase salary from \$109,351 to \$112,086 retroactive to May 20, 2020. Seconded by Mr. Howell.

Mr. MacAskill said that he wanted to clarify the step increase, and said that looking at the offer letter and the agenda, it shows that they are voting a two-step increase.

Mr. McManus changed his motion to approve the Assistant Town Administrator's Step Increase, to be a one-step increase with corresponding increase salary from \$109,351 to \$112,086 retroactive to May 20, 2020. Seconded by Mr. Howell.

Mr. MacAskill said that he is going to vote no on this, not because he wants to, but because of the mistakes and he is not sure if it matters to Mr. Powers but he would think that they should bring it back next week with it corrected.

Mr. McManus said that the error was not apparent to him.

Mr. Ballantine said that the steps he had, he had received from Mr. Robert Lawton.

Mr. MacAskill said to Mr. Powers that he is not against the step increase.

Mr. Powers said that he appreciated what Mr. MacAskill said, and to point out that he had nothing to do with the writing of the offer letter, the personnel bylaws, or the agenda item. He said that his expectation was that the Board would be discussing a single step increase.

Mr. Ballantine said that he had confirmed the salary, and looking at the records there seems to be some disconnect that they need to figure out.

Mr. Howell said, so that the public does not get confused, an offer letter contravene the personal compensation bylaw. He said if there is an error, it would have to be in the offer letter.

Mr. Ballantine said that they will be making it retroactive to the proper date, so it doesn't matter if they come back, to be absolutely sure they are right.

Mr. McManus withdrew his motion, and Mr. Ballantine confirmed that they will bring this back.

OLD BUSINESS

A. Town Administrator Search Committee Presentation of Selected Candidates

Chief Norm Clarke said that he had a brief statement which he read from the packet.

“In January, 2020 the Committee was tasked by the Board of Selectmen to conduct a search for the important role of Town Administrator. We have completed this charge. Consisting of Dan Wolf, Julie Kavanagh, Michael Hurley, Linda Cebula and himself, the committee worked diligently on this process. Additionally, we received guidance and counsel from Michele Randazzo of KP Law, Harwich’s town counsel. We would also like to thank Anita Doucette, Town Clerk, for her assistance in maintaining the confidentiality of this search and Scott Tyldesley of the Harwich Fire Department for his help with the remote participation logistics. Covid 19 made this a challenging process to make sure they followed all of the rules.

The committee followed the requirements of the Charter while completing the following: *Reviewed the Position Description, identifying key attributes needed for the successful applicants *Developed the language for the position advertisement *Advertised the position in the MMA Beacon, Boston Globe and Cape Cod Times *Received and reviewed 44 applications against the Position Description for applicability. There were two applications that were received after the deadline and these were not considered. *Requested written responses to two questions from applicants *Selected 7 for personal interviews (done via the Go2Meeting platform) *After selecting the finalists, ensured that each finalist desired to continue the process (i.e., the names would be made public) *Submitted 4 finalists to Board of Selectmen. Finalists, in alphabetical order: Kenneth Gray, Thomas Guerino, Joseph Powers, Cathy Ann Viveiros.”

Chief Clarke asked if there are any additional tasks that the Committee should undertake, they would appreciate knowing that as soon as possible. He said that he would like to point out that he had received some material from the Daily Hampshire Gazette that said Mr. Guerino has accepted a job there. He

said he is not sure if that is a fact, but that it was sent to him. He said that all materials were collected and he took care of hand delivering them to the Town Clerk for filing or disposal. They are in possession of no other materials. Chief Clarke read through those interviewed and said that they did interviews via GoToMeeting, or at the new community room at Station 2, and that worked out well.

Mr. MacAskill thanked Chief Clarke and the rest of the committee for all of the work that they have done. He asked when they can get the minutes from the committee to see some of the processes and some of the weeding out?

Chief Clarke said that Ms. Cebula has done a great job taking minutes and they are trying to follow the process, because the last few meetings were in executive session. He said that the minutes have been taken and they will be made available to the Board.

Mr. MacAskill said that his only follow-up would be questions related to the process of going through all of the applications, and the numbering from best to not best, and the totality of what they came out with after the first round of eliminations, to the second round, to what is before them tonight. He said that process is what he is interested in seeing, not particularly the executive session material.

Chief Clarke said that he had reported on the process, but did not have that information in front of him right now on the scoring. However, it was based on a one through five score, and they did those independently. He said that Ms. Cebula had tabulated all those numbers and they came up with a top tier that they all agreed on. He said that they went from there to get the numbers down to where appropriate to submit and interview the seven. He said he would have to defer to Ms. Cebula to get that information out as appropriate.

Mr. Ford thanked Chief Clarke and the committee and said that they were very lucky to have all of them serve on the committee. He said it took a lot of time, but was an extremely important position and they were all good representatives of the town. He said that Chief Clarke asked about what else the committee may be asked to do, and he would like an opportunity to be able to speak to them about the individual candidates, if needed.

Chief Clarke said that they serve at the pleasure of the Board. He said that he will pass on the thank you, and said that it was a pleasurable experience to sit

in a room as five individuals with different political backgrounds; different political philosophies and be able to conduct business on behalf of the Town.

Mr. McManus asked about the applicant that may not be available and said that he is wondering if that leaves them wanting to see if there is another candidate to put forward?

Chief Clarke said that they felt very strong about getting the 40 plus down to a few candidates that they felt would really fit the need of the town. He said that they followed the process and eliminated quite a few and they collectively felt very comfortable interviewing seven. They were hoping to submit five names in the final, but in the very final part of their process they eliminated one. He said that assuming that Mr. Guarino is taking a job someplace else, they still feel that they gave them quality candidates, that they should consider as their recommendations.

Mr. Howell said first he wanted to add his own thanks to everyone, and just to remind people that each member of the Board of Selectmen hand-picked each of the members of the committee. He said that everybody did an outstanding job. He said that they have to come up with a consistent set of questions that they are willing to ask everybody the same questions. He said that they need to ponder that and agenda it.

Mr. Ballantine said that he will take a stab at some of the questions and suggested that they bring that back, and invite the candidates to interview maybe as soon as next week.

Mr. Howell said that they have to have the questions first.

Mr. Ballantine said that they will do the questions first next week, and then bring it back. He asked if the committee had done any reference checks?

Chief Clarke said that they did not, that they felt that it would be better for the Board to do their own background checks, once they decided on who they were interviewing.

Mr. Ballantine said that he would propose that they divvy up the candidates and have volunteers to check on references. He said that they could get that done at least in the near future.

Mr. MacAskill said that would personally like a little time to digest the amount of material they have gotten so far. He said that they have also discussed several times now, having all of the applications available to them for review. He would still like to review the process, but he would like to digest this a bit and perhaps come back with a thoughtful agenda item to move forward with.

Mr. Ballantine said that he agreed and asked if they could get back to him with some suggestions on the questions. He added that the applicants have been confidential and if he wants to look at some of the applicants, it's still very confidential where they cannot be released. He said they can give a week to do that and bring it back to discuss questions and then hopefully in two weeks' time they can schedule interviews.

Mr. MacAskill said that he would like to at least propose that they interview these people that it would be better to interview someone in person, if they can do it six feet apart.

Mr. Ballantine said that he had followed up with Ms. Eldredge and she agrees with that point. He said that the intention is to bring the applicants in, so they can see them face to face. He said that the only caveat which he did not have time to do today is to be sure that there is time to clean the room before the next group comes in. He said again that they will put it on the agenda for next week and then hopefully in two weeks' time they will have the interviews.

B. Discussion and possible vote – Annual Non-Resident Taxpayers Meeting - selection of presenters and meeting details.

Mr. Powers said that he had asked to have this on the agenda to have a brief discussion with the Board on it. He said that they had set the summer schedule earlier, but he wanted to do a deeper dive given that this year's annual non-resident tax payer's meeting is going to be unlike any other, with the majority being remote participation. He said that he wanted to just vet that with the board, to see if the board was still comfortable with the date and time and to verify how many folks to put notice out. He said that they can see they have 13 presenters that are separate from the six of them, so there is 19 people on the license, that then reduces the overall capacity to GoToMeeting to less than 230. He said recognizing that they would have to potentially cap it, knowing now that this room is going to be limited capacity, so they could not have the

people they had last year, and they could not have the presenters they had last year. Therefore, this would be mostly a remote or virtual meeting.

Mr. Ballantine said that it will certainly be remote, or GoToMeeting. He said that it is a busy agenda and in the past they have asked for very focused summary of activities. He said that the only change he made, or recommendation, was to move health and overall financial to the top of the list, considering that people would be most interested in those.

Mr. MacAskill said that traditionally they have maybe 30 people in the room, and that includes the presenters. He said that by no means does he think that they should not do an annual non-resident tax payers meeting, but maybe it's something they should start to consider to do a presentation and report by department. He said that Channel 18 could do a great job putting together interviews and then they could play this and do follow ups. Also people who can't attend can watch it. He said that he is not sure how the rest of the board feels about this, but last year there was maybe two questions, and it was pertained to wastewater, but in the past five years there hasn't been any questions, besides financial and their wastewater, the rest is a report. He said that they may get a lot more out of it, if they just played the presentation for three months on Channel 18, rather than this format of calling in and being put in queue. He said the biggest complaint is people that can't hear them. He said that given the current climate, this makes a lot of sense in his opinion.

Mr. Howell said that he agrees with Mr. MacAskill. He said that when they started doing this the only access that anybody had when they were non-resident taxpayers was by coming in when they met at the community center. He said that they had no idea of what was going on during the course of the year at all. He said that now they have moved beyond Channel 18, and now it is on YouTube, and they can see every single meeting and see what is going on and even participate regardless of where they are. He said that changes the dynamics a lot, and that is probably why Mr. MacAskill observed that the attendance is nowhere near where it used to be, because they actually have access to the information of what has been going on.

Mr. Ballantine said that he gets feedback every year from residents, because it provides a good, basically a semi year review of what's going on in the departments. He said that it is a focus on non-residents, but he thinks that there are a lot of people that take advantage of this review.

Mr. Ford said that he thinks it is an interesting suggestion to perhaps create a presentation, where they can log on whenever they want, and see the presentation, and come in with questions, if they have them.

Mr. McManus said that they could do it as a presentation and then at some point, several weeks later, they could set up chairs on the lawn of the Community Center to have a socially distant face-to-face meeting, to have people ask specific questions.

Mr. Ballantine said if he is following the discussion, that they can follow this agenda with the presentations, which they will cover on Channel 18. He said they can concentrate on the presentation side, more than the question-and-answer side of things.

Mr. MacAskill said that he thinks based on the platform that they have, that it would be a lot more useful to the non-resident taxpayers than having 30 or 40 people on a screen. He said that he had reviewed the meeting that Chatham had when they started talking about opening the town, and it was confusing at best. He said that he is volunteering Channel 18, but he thinks that it will save a long night of being there going through each presentation.

Mr. Ballantine said that they will turn it back to Mr. Powers, and said that this has been a good discussion and they certainly have to do better.

TOWN ADMINISTRATOR'S REPORTS

Mr. Powers said that he had two quick items. The first are three letters that need to be signed by the board. He said that two of the letters are to the chair of the Republican Town Committee and one of them is related to a recommendation for the list of election officers starting in September, which is in accordance with MGL c. 54, and that's for both Democrat and Republican. Also, an additional about a vacancy for a Republican Registrar. He said that the board has to sign the letters to be sent out to the chairs of the respective parties.

Mr. Powers said that the only other item is related to the joint financial subcommittee, that last met Friday, July 10th. He said that they were scheduled to meet again on July 21st at 5:00 pm, which presents a potential conflict, because the

board health is scheduled to meet on the 21st at 6:00 or 6:30. He said that it would cause a problem with getting out and cleaning everything.

Mr. Ford asked if he could give some guidance as to what might be a more appropriate day, and that he could talk with Mr. Dana DeCosta.

Mr. Powers said that they could do it completely remote, or a different date.

Mr. Ford said that he is up for either one, but he thought they got a lot out of being together, and that it would be good if they could do it in person

Mr. Powers said that he would work on the schedule and then get back to them.

Mr. DeCosta said that they have a Finance Committee meeting Thursday of that week, and suggested that they could do it earlier then that at around 5:30 pm. He said that he is just throwing that out, but he will leave it up to them.

Mr. Powers said that he will work with staff and get back to them.

SELECTMEN'S REPORT

Mr. Howell said that he wanted to clarify about the registrar's letter that someone did not want to be appointed, so they did not get sworn in. He said that means that there is still a vacancy. Mr. Howell said that the so-called Clean Waters Cape and Islands Management Board in the county, the Bylaws And Regulations Committee, met and they finally hit upon a formula that everybody feels protects them, including the small towns like Truro and Brewster, and the larger towns. He said that they are going to have a structure that would allow the entire management board to vote on it. The major criteria was the savings as they have been talking about forever, which can't be something driven by four or five towns getting all the money that is being collected by all of the other towns. He said that everybody needs to feel comfortable and somewhere in the near future they are all going to participate in it and it has actually gotten into a positive spot. He said that he would defer to Mr. Ford to talk about what happened on Friday.

Mr. Ballantine said that he had one comment, and said that he received an email that afternoon from Mr. Joseph Griffiths, Dockside Seafood Shack.

He said that the email explained that the morning breakfast businesses has been non-existent, so Mr. Griffiths was planning to stop serving Breakfast during the week, starting on Monday.

Mr. Howell said that it may be surprising coming from him, but he does not really care what they serve, if they are serving their needs. So, they may want to revisit how rigid they are about what it is they're serving, including what the napkins look like, it is way too much specificity.

Mr. Ballantine said that the reason he wanted to bring it up, and with COVID and the restrictions, it is unfair to try holding the full day with the traffic.

Mr. Howell said that they may want to revisit the whole thing, and defer a little bit more to the professional judgment or the guy who is leasing it.

Mr. MacAskill said that he thinks it would be appropriate that he sent a document for the file, just stating what he will be doing.

Mr. Ballantine said that they have an email and he will forward it.

Mr. MacAskill asked if the meetings with the Budget Subcommittee and the Finance Committee are posted meetings, and if the public are welcome to attend?

Mr. Howell said yes, and that they were filmed.

Mr. MacAskill said that the Noise Committee Chair had reached out and they would like to start meeting. He said that he had told them that they are limited on space and limited on camera time. He asked what they should be telling their committees that are looking to meet?

Mr. Powers said no, that they have been directing them to reach out to the Clerk's office to find out availability. He said that under Governor Baker's order from March 10th, still stands, and if a committee is able to meet and record, but not necessarily televise, they can still meet. Therefore, if there are smaller committees, or committees like Noise, where they need to meet to make recommendations eventually to the Board, they will be meeting the law by going completely remote and hitting the record button. So, there is flexibility in that, but all requests should go through the clerk's office to coordinate.

Mr. MacAskill asked to confirm that they would still do an agenda, post it, and it would just be a Go-To-Meeting address?

Mr. Powers said that is correct.

Mr. Ballantine asked if Mr. Powers could send a memo to all committee chairs, to give a general guidance for how they can move forward, because there are other committees that have the same questions.

Mr. Powers said that he just wanted to point out that they have put X's in the room, because they are trying to mark out six feet of space for anyone meeting in the room. He said what they have right now is the full expanse, at this point.

Mr. Ford said that he had two things. First he has received emails from some residents that are unfortunate enough to live next door to short-term rentals and are very frustrated. He said he does not think that they are opposed to short-term rentals, however, in one situation a resident is next to a very large house with many bedrooms, which is rented out. He said of course people come down to party, and there's a lot of frustration as to what to do. They know that they should call the police on the noise by-law violations, but he believes that the Selectmen have the ability through the legislation that created the short-term rental tax, so establish some guidelines. He said that he believes that Barnstable is doing this now. Mr. Ford asked if Mr. Powers could take a look at that, to see if there isn't some way they can help these folks. He said that the rental business is very important to the Town, but a lot of these short-term rentals are being purchased by LLC's, and they are advertising them basically as a party house. He said that is great, and when he used to on the Cape, they would bring a lot of family too, but they have to make sure they respect the neighborhoods that they are in.

Mr. Ford said that the other thing is that they had a very good and productive initial meeting of the Subcommittee on the budget. He said that he has four or five different questions which he will write up and send to the Board members. He apologized that he has not done that yet, but he thinks that they are pretty much on the same page. He said that they have the same concerns as the Finance Committee, and they talked about where they are going and coming to a resolution on a number of questions right away. He said that they are trying to meet as quickly as they can. Mr. Ford said that he will get the questions out to all of them for their input and feedback.

Mr. DeCosta said that he thought that Mr. Ford summed it up nicely. He said that they spent the first few minutes just talking about the timeline, and how little time there is left to when the warrant goes out to print. So, they would just like to try and have as much done between now and then.

Mr. Howell said he had one final comment, as long as Mr. Ford and Mr. DeCosta were there. He said that they had come to an agreement, to bring back to the Board that they are not looking at flushing out the Stabilization Fund, and optimizing it for operations next year and with no plan B. He said that is not something that is on the table.

Mr. DeCosta confirmed that they had talked about some sort of cap.

Lieutenant Tyldesly confirmed that since they moved on from the Irish Pub, there was no one from the public wishing to speak.

ADJOURNMENT

Mr. MacAskill moved that they adjourn at 8:09 pm. Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

Respectfully submitted,

Lisa Schwab
Board Secretary