

APPROVED

MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, August 12, 2019
5:30 P.M.

RELEASED

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

OTHERS PRESENT: Town Administrator Christopher Clark, Assistant Town Administrator Joe Powers, Ginny Hewitt, Richard Houston, Kevin Bates, Judith Underwood, Fire Chief Norm Clarke, John Rendon, Carolyn Carey, Eric Beebe, Lincoln Hooper, Emily Mitchell, Jamie Goodwin, Michael Guidice, Charlie Sumner, Carol Coppola, Marc Smith, Mary Oldach, Scott Carpenter, Paul Doane, and others.

Mr. Ballantine reopened the meeting at 6:30pm. He explained he first called the meeting to order at 5:30pm to discuss two Executive items: 1) a prelude to the upcoming Town Administrator contract and 2) to conduct a strategy session with respect to collective bargaining if an open meeting may have a detrimental effect of the bargaining position of the public body, which the Board denied.

WEEKLY BRIEFING

Emily Mitchell, Council on Aging Director, informed the public that former COA employee, Richard Anderson died on August 2. He served on the COA for 5 years. His family has asked that donations be made in his name to support cancer research. The Board observed a moment of silence.

Ginny Hewitt, of Brooks Free Library, announced the introduction of a confidential corner from which the public may borrow books on sensitive topics without checking them out. While check-out records are confidential by law, the library recognizes that people may not feel comfortable checking out books on sensitive topics in a small community. She also announced the availability of various non-traditional items for loan from the library outdoor games, craft kits, baking accessories, turn tables, wireless hotspots, go pro camera, etc. There are also a few more weeks in the summer reading program. The calendar of activities and events is on the library's website. The Cape Cod Times is also available online with a Brooks Free Library card. One does not need to be a full time resident to obtain a library card.

Mr. Ballantine announced that Richard Houston received the Teacher of the Year Award by the American Battlefield Trust. Kevin Bates, history teacher for Monomoy Regional High School, read his letter to the American Battlefield Trust, nominating Mr. Houston for the award. He thanked the Board for recognizing Mr. Bates. Mr. Bates thanked his family and the community for supporting education. Mr. McManus commended Mr. Bates for his dedication as a teacher.

Mr. Clark provided an update on the sewer construction project. He anticipates crews will be on the street on August 19, starting on Cemetery and working their way to Compass. Major traffic disruptions likely won't begin until September 9, starting on Rte. 137 at Queen Anne.

PUBLIC COMMENTS/ANNOUNCEMENTS

Judith Underwood, member of the Housing Trust, asked for clarification regarding the Housing Trust Consulting Contract, which expired June 30. She was concerned about whether or not the contractors are getting paid and asked about the process for renewing the contract. Mr. Clark felt that the Trust had the authority to extend and procure the contract. Mr. Ballantine assumed the contractors would continue to be paid and requested to revisit the topic with input from legal.

NON-RESIDENT TAXPAYERS MEETING

A. Fire Station 2—Chief Norman Clarke

Chief Clarke explained that the Town's Fire Rescue Department consists of trained EMTs, Paramedics, and Firefighters, with 36 full time employees and two fire stations. All firefighters are cross-trained. The new \$7 million fire station is replacing one that is ~40 years old, oriented to Rte. 37. The new station is oriented to Rte. 39, so that it could be built without shutting down the old station. It is ~10,000 sq. ft. (compared to the ~5,000 sq. ft., which was inappropriate for housing male and female employees together). He explained that they expect the new station to be operational in early September.

Mr. Ballantine asked about plans for the old station. Chief Clarke answered that there is money in the budge to demolish it. However, the Sewer project will instead be able to use it for contractors, instead of purchasing trailers.

Mr. Fletcher asked if the department is stretched for staffing. Chief Clarke replied that the department is stretched. They have only full-time employees and rely on overtime and partner to cover the workload as needed.

B. Report from the Harbormaster—John Rendon – Saquatucket Harbor Project

Mr. Rendon provided a brief background of the department and its responsibilities, including maritime assistance, dredging, and permitting. He also provided an update of the two projects completed since last year:

- 1) The Waterside Project, in which the marina was completely reconstructed in June 2018, with additional boat slips.
- 2) The Landside Project, which included a new Harbormaster/Natural Resource Director Office Building, new septic with public showers, boardwalk, artisan sheds, snack shack, workshop, and 90 additional parking spots.

The entire new facility is ADA compliant.

Mr. Rendon further listed the harbors which were dredged this year, and mentioned two upcoming projects: 1) Round Cove Boat Ramp and 2) Wixon Dock Landing.

Carolyn Carey, Community Center Director, added a plug for the Seaside Marketplace at Saquatucket Harbor.

C. Report from the Recreation Director—Eric Beebe – Beaches

Mr. Beebe informed the public that there have been no shark sightings at town beaches, but the department is prepared, in case, with a full lifeguard staff. Mobile Mixers have new vendor contracts at Red River Beach and Bank Street Beach. He provided information on summer camp activities. He further provided a list of upcoming departmental projects.

Mr. McManus asked how long the summer camps would be running this year. Mr. Beebe responded that the program would end the first week in August, adding a bonus week.

D. Report from the DPW Director—Lincoln Hooper – Beaches/Trash/Roadways

Mr. Hooper provided a breakdown of the department branches. He commended the entire town and DPW for their efforts in responding the tornado. He explained that DPW rakes seven of the town's beaches (freshwater and coastal), picks up public trash bins, services ten public restrooms, mows athletic fields and town facilities, and maintains roads. Mr. Hooper further gave a brief explanation of road maintenance projects.

E. Council on Aging—Emily Mitchell – Programs

Ms. Mitchell provided the mission of the Council on Aging and as well as a list of services provided to the town, including breakfasts, fitness classes, legal consultation, health insurance council, and housing assistance. She clarified that the public transportation policy, locations, and schedule has remained unchanged, only unscheduled stops have been eliminated in response to safety concerns.

Ms. Carey also offered a packet of programs offered by the Cultural Center.

F. Channel 18—Jamie Goodwin – You Tube Access

Ms. Goodwin outlined the videos offered by Channel 18 and the town's YouTube channel and demonstrated how to navigate to these videos through the town's website. In addition to public meetings, the channel offers drone footage and video of town events. She explained she is also in the process of adding audio/visual recording equipment in committee meeting rooms, so that more committee meeting proceedings will be viewable by the public.

G. Wastewater Issues—Michael Guidice, P.E. – Implementation of the CWMP Phase II/Pleasant Bay/East Harwich

Mr. Guidice and Mr. Sumner provided an update on Phase II of the Wastewater project. The first contract for Phase II is ready for construction and includes Rte. 137, from Queen Anne Rd. to Round Cove Rd. Contract two will include the area northeast of Rte. 137. He said the contractor would start

construction on August 19, on the Cemetery Rd. area. The second crew will start September 9 at the intersection of Rte. 137 and Queen Anne Rd. He further clarified that wastewater from Queen Anne Rd. will be pumped to the Chatham's water treatment plant, and Chatham's contractor will be building the sewer system on Queen Anne Rd. so there will only be one sewer in that area to serve both towns.

Mr. Sumner, the project outreach coordinator, reminded the public of the reverse 911 communication system, which will be used to notify the public of progress. People can request to be added to the list. He recognized the potential impacts to local business and is communicating with business owners to help minimize these impacts. He provided his phone number for public questions or concerns: 508-430-7514 ext. 3313. The public will receive notices in the mail once their addresses are on the construction schedule.

H. Overall Financial Position of the Town—Carol Coppola

Ms. Coppola provided a summary of the town's finances for FY2019, which ended June 30, 2019. She listed sources of town revenue, provided a breakdown of appropriations and expenditures, and explained sources of debt for the town, which mostly went to support Saquatucket Harbor and Fire Station construction. Ms. Coppola further summarized the town's financial policies. She further explained the savings to the town of the new bond rating and zero percent interest rate.

Ms. Hinkle, member of the public, asked about the amount of town revenue generated from property taxes from non-residents. An exact percentage was not available, but Mr. Clark answered that generally about half of property tax revenue comes from non-residents.

I. Question and Comments

CONSENT AGENDA

- A. Vote—2018 Multiple Sclerosis Challenge from 9/6/19 – 9/8/19—Police & Fire notified
- B. Vote—Chapter 90 Project Request – Resurface Main Street Extension

Mr. Ford moved to approve Items A and B. Mr. MacAskill seconded. Mr. MacAskill Mr. Lincoln about who does the procurement on the Chapter 90 request for the Lower County Road project and who the contractor would be. Mr. Lincoln answered that this was through the county bid process and Lynch was determined by the county in this case. The motion carried by unanimous vote.

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

None presented.

NEW BUSINESS

- A. Vote to approve a lease of two classrooms for the YMCA infant toddler and preschool classroom (one of each)

Mr. Smith provided some background regarding two open classrooms and the strategic plan which motivated the school district to lease the two classrooms to YMCA for infant, toddler, and pre-school care. He explained that surveys revealed a public need for full-day care for infant, toddler, and pre-school care and that research suggests that pre-school participation leads to higher success in later life.

Ms. Oldach provided a timeline of the lease process, explained that both the strategic plan and school improvement plan have a focus on developing early childhood and preschool programs. She said the Family and Community Needs Survey in spring 2019 was followed by a request for proposal on June 18 and then a parent forum on July 9 for potential partners to hear about community needs and concerns. Proposals were due on July 16 so that the program could be ready for the upcoming school year. The selected program start dates are scheduled for this September-October.

Ms. Oldach said the lease at Harwich Elementary with YMCA is 3-years, with two one-year options for renewal. The lease will include \$15,000 in revenue, including utilities, with a \$2400 add-on for custodial services. This revenue will offset the general fund. The YMCA is supplying full day (7 AM – 5:30 PM) support for families, with only six holidays and two professional days per year. The YMCA does not turn away any family based on income.

Ms. Oldach explained that the lease at Chatham Elementary is with CDI. CDI is serving as the receiver for the Head Start federal grant program on Cape Cod, with Cape Cod Child Development no longer serving as administrator. CDI will take a year lease while a new administrator is identified. The Head Start Program is for low-income families and, therefore, provides pre-school and early childhood care at no cost.

Ms. Oldach further explained that, in order to approve the leases, the Commissioner of Education will require that the leases first be approved by the Board of Selectmen. She said that the Chatham Board of Selectmen had also met and approved the leases.

Mr. Howell asked if the YMCA and CDI had insurance namely indemnifying the Town of Harwich. Mr. Oldach and Mr. Carpenter answered that the lease requires that this be the case and that the YMCA does have this clause in their insurance.

Mr. Howell made a motion to approve a lease of two classrooms for the YMCA infant toddler and preschool classroom, contingent upon receiving a copy of the insurance. Mr. MacAskill seconded, and the motion carried by unanimous vote.

- B. Vote to approve the issuance and details of bonds and notes for Massachusetts Clean Water Trust loan number CWP-18-23, and sign related closing documents

Ms. Coppola explained that the Town of Harwich filed an application with the State Revolving Loan Fund to receive funding for the construction phase of the sewer project. This was approved.

Additionally, the town received a 0% interest for the 30-year term of the note. The Board is being asked to authorize the borrowing of the State Revolving Loan Fund.

Mr. Howell asked for clarification about the total savings for the project.

Mr. McManus moved to approve the issuance of bonds for the town wastewater project as laid out in the document entitled, "Vote of the Board of Selectmen," and dated August 12, 2019. Mr. MacAskill seconded, and the motion carried by a vote of 4-0-1, with Mr. Howell abstaining.

- C. Vote to approve the issuance and details of refunding bonds to refund the Town's outstanding bonds dated February 15, 2009, and sign related closing documents

Ms. Coppola explained that the town refunded (refinanced) the bonds that were eligible for the police station construction. The winning bid was at 1.09% interest, which provides ~\$1.5 million in savings in interest cost to the town.

Mr. Ford thanked Ms. Coppola for recognizing this savings.

Mr. McManus made a motion to approve the issuance of bonds to refund the police station construction bonds as spelled out in the document provided by the Bond Council entitled, "Vote of the Board of Selectmen," and dated August 12, 2019. Mr. MacAskill seconded, and the motion carried by unanimous vote.

- D. Request for approval for one (1) one day alcohol license permit for The Captains Row Group. The event will be held at The Harwich Cultural Center on 8/27/19 from 5:00PM – 7:00PM—Serving beer and wine only

Mr. MacAskill moved to approve the request for approval for one one-day alcohol license permit for the Captains Row Group (the event will be held at the Harwich Cultural Center on 8/27/19 from 5 PM – 7 PM). Mr. Howell seconded, and the motion carried by unanimous vote.

- E. Request for approval for one (1) one day alcohol license permit for The Children's Center. The event will be held at The Harwich Cultural Center on 11/3/19 from 2:00PM – 8:00PM—Serving beer and wine only and request to waive the \$400.00 room rental fee.

Mr. Howell recused himself from the vote.

Mr. McManus moved to approve providing a temporary liquor license to the Children's Center for 11/3/19 at the Harwich Cultural Center from 2 PM – 8 PM, beer and wine only, and waving the \$400.00 rental fee for their program. Mr. MacAskill seconded.

Mr. MacAskill asked about the costs for cleaning etc. that may be incurred for the event. He also requested that Ms. Carey provide a budget at some point to address plans to cover costs for the Cultural Center when fees are waved.

Mr. McManus encouraged the board to attend the concert series Thursday evenings sponsored by the Cranberry Festival.

The motion carried by a vote of 4-0, with Mr. Howell recused.

- F. Request to waive the room rental fee of \$100.00 for the Outer Cape WIC Program. The event will be held on 9/26/19 at the Harwich Cultural Center.

Mr. MacAskill made a motion to approve the request to waive the room rental fee of \$100.00 for the Outer Cape WIC Program for an event that held on 9/26/19 at the Harwich Cultural Center. Mr. Howell seconded, and the motion carried by a vote of 3-0, with Mr. McManus and Mr. Ballantine recusing themselves from the vote.

- G. Caleb Chase Trustees—revision to policies—vote to approve

Mr. Doane explained that Caleb Chase had left \$10,000 in his will for the Board of Selectmen to donate to those in need as they see fit. The Caleb Chase Trustees manages this \$10,000 and has generally been using the money to help families in need to pay for utilities. The account currently contains \$500,000 and generates \$11-12,000 per year. He explained Board of Trustees is interested in changing the policies to better utilize the available funds and benefit more people. This included: 1) increasing the grant families may receive from \$700 to \$800, 2) expanding the application beyond utility bills, to also include rent, deposits, medical supplies etc., and 3) allow applicants to receive assistance once every three years instead of once per lifetime.

Mr. MacAskill made a motion to approve the revision to policies presented by Caleb Chase Trustees. Mr. McManus seconded.

Mr. McManus asked about the status of the fund that had been set up for donations. Mr. Doane responded that the separate fund had been suspended, though there is still an option for town employees to donate some income. They are however managed in a fund separate from the Caleb Chase Fund.

Mr. Howell clarified that this is an endowment fund, separate from the town budget.

The motion carried by unanimous vote.

H. Committee Appointments for Approval:

1. Christopher Murphy – Board of Appeals – term to expire 6/30/20 – Alternate Member
2. Charles Barnes – Harwich Culture Council – term to expire 6/30/21 – Full Member
3. Angela McNamara – Harwich Port Noise Containment Committee – term to expire 12/31/20 – Full Resident
4. Holly Tavano – Youth Services – term to expire 6/30/20 – Full Member
5. Sarah Powell – Harwich Port Noise Containment Committee – term to expire 12/31/20 – Full Business
6. James Duncan Berry – Planning Board – term to expire 6/30/20 – Full Member
7. Sandra Hall – Community Preservation committee – term to expire 6/30/22 – Selectmen's Appointee

Mr. Howell moved to approve the committee appointments as listed on the general packet with expirations as indicated. Mr. MacAskill seconded.
Mr. McManus suggested voting on each separately.

Mr. Howell's motion was denied in a vote of 2-3.

Mr. Ballantine moved to approve the appointment of Christopher Murphy to the Board of Appeals with term to expire 6/30/20 as an alternate member. Mr. MacAskill seconded, and the motion carried by unanimous vote.

Mr. Ballantine moved to approve the appointment of Charles Barnes to the Harwich Cultural Center with term to expire 6/30/21 as a full member. Mr. MacAskill seconded, and the motion carried by unanimous vote.

Mr. Ballantine moved to approve the appointment of Angela McNamara to the Harwich Port Noise Containment Committee with term to expire 12/31/20 as a full resident. Mr. MacAskill seconded, and the motion carried by unanimous vote.

Mr. Ballantine moved to approve the appointment of Holly Tavano to Youth Services with term to expire 6/30/20 as a full member. Mr. MacAskill seconded, and the motion carried by unanimous vote.

Mr. Ballantine moved to approve the appointment of Sarah Powell to the Harwich Port Noise Containment Committee with term to expire 12/31/20 as a full business. Mr. MacAskill seconded, and the motion carried by unanimous vote.

The Board clarified that they were still looking for two full business representatives: one to the Harwich Point Noise Containment Committee and one to the Parking Committee.

Mr. Ballantine moved to approve the appointment of James Duncan Berry to the Planning Board with term to expire 6/30/20 as a full member. Mr. MacAskill seconded, and the motion carried by unanimous vote.

Mr. Ballantine moved to approve the appointment of Sandra Hall to the Community Preservation Committee with term to expire 6/30/22. Mr. MacAskill seconded, and the motion carried by a vote of 3-2, with Mr. McManus and Mr. Ballantine opposed.

Mr. Howell and Mr. MacAskill expressed concern that the vote for Sandra Hall's appointment was moved from the consent agenda and that deliberations are occurring during the closed agenda meetings with only Mr. Ballantine and Mr. McManus present to represent the Board. Mr. Ballantine denied that any discussions had occurred outside of open meeting. Mr. Ballantine additionally expressed that, while he appreciated all that Sandra Hall has done for the town, he has concerns about her ability to serve on the Community Preservation Committee without bias.

- I. Discussion, with Planning Board interaction, of referring the West Harwich Rt. 28 Captain's Row corridor to the Cape Cod Commission as a District of Critical Planning Concern (DCPC) or other zoning concepts with possible vote on steps.

Mr. Howell made a motion that it's the position of the Board of Selectmen that it would like to refer a potential DCPC in West Harwich for them to have a discussion and get back to the Board in a joint session regarding their decision. Mr. McManus seconded.

Mr. MacAskill asked why the Planning Board was not invited to be involved in the discussion. Mr. Ballantine clarified that this vote was not to exclude the Planning Board, but to send the topic to them for them to discuss before returning for a joint session.

Mr. Ford said he is happy with this motion if it is meant to involve the Planning Board in this decision.

Mr. McManus wanted to make sure that staff prepare appropriate documents and a statement to approve any referral accurately.

Mr. Howell acknowledged the urgency, but also felt there was time to follow proper procedure.

Mr. Howell's motion passed by unanimous vote.

CONTRACTS

None presented.

OLD BUSINESS

- A. Brush Waive Fee date of 8/12/19 extension – discuss and possible vote

Mr. MacAskill moved to extend the Brush Waive Fee date from 8/12/19 to 8/19/19. Mr. Howell seconded, and motion carried by unanimous vote.

- B. Budget/Warrant timeline FY 2020

Mr. MacAskill asked about the March 2 date, which specified a vote to sign the final warrant, after the Board had already discussed allowing for changes to the warrant following this date. Mr. Clark suggested that the word "final" could be removed to reflect this.

Mr. Clark also clarified that this topic was on the agenda for the Board to suggest dates and deadlines which may need to be added to the timeline.

Mr. MacAskill asked about the timeline item regarding a fall town meeting. He thought that the Board had decided to not have a fall town meeting. Mr. Ballantine responded that this decision had not yet be finalized. Mr. Howell expressed concern about the Board's ability to approve an

alternative plan for the wastewater construction without a fall town meeting. Mr. MacAskill suggested adding this topic to the next agenda.

C. Town Administrator Goals and Objectives

Mr. Ballantine explained that he attempted to make the goals specific and relevant. Mr. Ballantine specifically addressed financial goals and asked the Board for specific actions necessary in order to reach funding goals.

Mr. MacAskill requested that Ms. Coppola be involved in a discussion setting budget goals.

Mr. Ballantine also explained that he had waited the objectives.

Mr. Howell does not feel the Board is holding the Town Administrator accountable and does not believe changing the goals and objectives will change this. Mr. MacAskill agreed with Mr. Howell's statement and further stated that he believes the Town Administrator to be apathetic regarding the Board's goals and objectives for him.

Mr. Ford made a motion to approve the Town Administrator Goals and Objectives as presented. Mr. McManus seconded.

Mr. MacAskill suggested that three members of the Board voted in favor of the Town Administrator in all cases. Mr. Ballantine took exception to this accusation.

Mr. Ford's motion passed by a vote of 3-2, with Mr. Howell and Mr. MacAskill opposed.

TOWN ADMINISTRATOR'S REPORT

A. Staffing plans

Mr. Clark explained that the Board agreed to finance a temporary part-time person to help in the office. Dana DeCosta was not approved to support with Financial Committee minutes and has withdrawn from the application process. Another temporary employee is currently assisting with meeting minutes but will be leaving for other employment in the middle of September. Dana DeCosta though hired part-time has been working more hours to fill staffing needs but will be returned to part-time hours once the workload is reduced. Mr. Clark further clarified that no one has been hired to work at the Treasure Chest, but there is some hope of filling the need with some seasonal staff until a dedicated employee can be specified in the FY2020 budget.

Mr. MacAskill and Mr. Howell expressed concern regarding the Town Administrator's decisions regarding hiring and recruitment. Mr. MacAskill additionally expressed concern regarding personal information included in the meeting packet.

B. Departmental Reports

None presented.

SELECTMEN'S REPORT

A. Approve Annual Committee Meeting List

Mr. MacAskill moved to approve the Annual Committee Meeting List. Mr. Ballantine seconded.

Mr. Howell suggested that the Planning By-Law Review Committee be properly notified ahead of the meeting in time to post.

The motion carried by unanimous vote.

B. Mr. MacAskill

Mr. MacAskill asked about the progress of formal written thank yous to the partners that assisted with tornado recovery.

C. Mr. Howell

Mr. Howell made a motion to waive any and all fees for the use of the Community Center on August 28, in furtherance of President Tavares's visit, acknowledging this to be a topic not reasonably anticipated by the Chair. Mr. Ford seconded.

Mr. MacAskill commented that he is supportive of the motion but believes it to be a procedural violation.

The motion carried by a vote of 4-1, with Mr. MacAskill opposed.

ADJOURNMENT

Mr. MacAskill moved to adjourn at 10:33 PM. Mr. Ford seconded.

Respectfully submitted,

Shilo K. Felton
Recording Secretary