

APPROVED

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
Monday, September 23, 2019
6:30 P.M.**

RELEASED

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

ALSO PARTICIPATING: Assistant Town Administrator Joseph Powers.

Mr. Ballantine reopened the meeting at 6:30 pm. He explained he first called the meeting to order at 6:15pm to discuss the strategy session regarding Harwich Police Department contract. They had a good discussion and will bring it back next week.

Mr. Ballantine moved into open session and explained some changes to the agenda. The item D, under Public Hearing to overview Phase 2 of the Sewer Project and item E under Contracts will be tabled for two weeks because Chris Clark, Town Administrator is out sick.

Also, Mr. Ballantine was informed by Mr. Hooper, DPW Director, that they needed to postpone the waste service discussions because one of the principle persons, Mr. Camara, could not be there tonight. The items are listed under C in New Business and under A in Public Hearings. They are tabled and will be brought back.

WEEKLY BRIEFING

Sewerage Work Improvement Phase 2 -- Contract #1 -- Construction Schedule -- Weekly Update. Mr. Powers reported the weekly update that was submitted by the project engineer on September 18th. The one week look ahead is that the main line sewer crew #1 is continuing installation on Johanna's Path and mainline #2 on Route 137, detours still in place. The two week look ahead for the week of September 30th - October 4th, the mainline sewer crew #1 is continuing installation on Johanna's Path and mainline #2 on Route 137 and the three week look ahead for October 7th - October 11th main line sewer crew #1 is continuing installation on Johanna's Path and mainline #2 on Route 137. Again, detours will be in place.

Amy Usowski, Conservation Administrator, was present to inform the board that AmeriCorps had a successful 20th anniversary of the program. They have been very active in the community for the past 20 years. The keystone event of the weekend was a cleanup of the area, collaborating Harwich, Dennis and Brewster's Community Co-Sweep event. The event had about 120 people between AmeriCorps volunteers and citizen volunteers.

Patrick Otton of East Harwich, notified the board that on Saturday, September 29th from 9am to 11am, Sustainable Practices will be doing a cleanup of Red River Beach. He would like this listed as a public notice. Anyone interested can come. This is a State-wide initiative and hopefully they will have some help this Saturday.

Mr. McManus reported an update from his comments last week on the Cranberry Festival. The festival has moved around a lot, and now back behind the Community Center. This year they had 160 vendors and 6 bands, four on Saturday and two on Sunday. After the bands finished Saturday there was a very nice fireworks show. They also had a nice food court, though one vendor did not show up so lines were a little long, something to work on next year to speed up lines. Beer and Wine sales were done well. One thing this year that astounded them was a barrel by entrance for donations. Last year they only brought in \$180 and this year they made over \$2,000, enough to fund an additional scholarship. This year they had the lowest number of volunteers, so many things did not get done. From a controlled, public safety stand point they need additional volunteers in the coming years to be able to continue. Mr. McManus would like to urge people to come forward to help. They are at 43 years and hoping to make 50!

CONSENT AGENDA

No report tonight

PUBLIC HEARINGS/PRESENTATIONS

- A. Solid Waste Presentation by Mike Camara, President of New Bedford Waste Services.

This has been tabled until next week.

B. Real Estate & Open Space Committee Presentation/Discussion

Mr. Ballantine explained that the board had asked the Real Estate & Open Space Committee to bring them up to date of what the space is around town, and what were there priorities and thinking going forward.

Elaine Shovlin, Chair, and Dave Callaghan, Member, of the Real Estate & Open Space Committee were present to provide the overview of the report that they had provided to the Board of Selectman, as requested. They thought the best way was to divide the properties into three groups. 1. Land Acquisition: currently two parcels of land; Deacon's Folly Rd and Cherokee Rd. Right now, they have not prioritized either, they are waiting on appraisals to be able to make an educated decision on priority. Mr. Ballantine asked if there were any questions and if the appraisals are in motion. Ms. Shovlin has nothing back yet. Mr. Powers does not have information on this. Mr. MacAskill said that he was told by the Town Administrator that Deacons Folly Rd had already engaged in a contract for that appraisal. Nothing on Cherokee yet. 2. Land that is under care and custody of the Board of Selectmen; we recommend to be moved over to the Water or the Conservation Commission for increased protection. This includes 141 Bay Rd to protect the well. Moving to Water or Conservation would just provide another layer. Mr. Callaghan has attended the water dept meetings.

Mr. MacAskill hesitates to transfer land. Ms. Shovlin commented that they are just an advisory committee to present options to the Board of Selectmen. Mr. Ballantine said that they need to increase the priority of number three, to do title searches.

Another location, Grassy Pond, can't be developed so why would they want to purchase? Ms. Usowski spoke to this issue with Grassy Pond and explained that it has 22 acres, which is hard to develop. The property is on the tax lien list and they owe about \$45,000 in taxes. They are hoping to see if there is something that they might want to acquire for a holistic approach, if the town had ownership of the parcel. They have met with other departments that would make potential options to improve the habitat.

Mr. MacAskill commented that they need to put back on the agenda the need for deed and title searches, and it needs to be a priority. Ms. Shovlin said that they do have names of two people that might be able to do it.

C. 2019 Lower Cape Community Housing Institute -- Andrea Aldana

Andrea Aldana, Director of the Housing Advocacy at the Community Development Partnership, and also part of the Outer Cape Housing Institute, the housing team offering consulting services to the town. Ms. Aldana is here to invite the board to the third annual Housing Institute starting next week at the Eastham Public Library. This is part of a broader program for the Lower Cape Community Housing Partnership, which is trying to address the affordable housing crisis on the lower Cape. They are doing this by building support from town officials and initiatives that can take on to support housing in their towns. They are hoping to see broader public support for affordable housing units and changes in zoning laws that support affordable housing developments. It offers advanced training for town officials, advocacy training and public education campaigns.

The Institute has trained over 130 public officials over the past two years and is for municipal employees or town staff that are involved in housing

The Institute will be held on Wednesday evenings from October 2nd - November 6th from 6pm - 8:30 pm. The conference changes each year and you can sign up for one session or all six. The sessions consist of

- Session 1 - more useful to talking about housing Municipal leadership.
- Sessions 2 is planning session planning broadly and community engagement.
- Session 3 is setting your town up for success.
- Session 4 session designed specifically for open spaces for zoning - open space residential development.
- Session 5 details development, how do you find a piece of land? This is for the predevelopment work before you send out an RFP. Creating a development strategy. Means you understand what your funds are and what sites are optimal and a plan for fundraising and getting your goals done.
- Session 6 is for Municipalities and focused on crossing the finish line.

You can register online www.capecdp.org.

Mr. McManus asked if there are certain sessions that you can attend. Ms. Aldana confirmed that you can pick and choose each session can be selected al la cart.

Mr. Howell asked, if we are going to encourage Planning and ZBA members to attend, which session would it be? Ms. Aldana said that zoning and session 3 would be good for all municipal holders. The board should urge members of planning and ZBA to attend and it is free to attend.

Mr. Ballantine commented that he would like to see a conversation about private partnerships which is a big factor that we don't talk about much. Ms. Aldana replied that this is going to be covered in session 3.

Question from the audience member, Sandy McLardy of East Harwich asked if sessions open to the public. Ms. Aldana said not really, sessions are for elected officials but if planning to become part of a town committee then to speak with her.

D. Overview of Phase 2 Sewer Project

Tabled for next meeting

NEW BUSINESS

A. Annual Meetings with the Board:

1. Recreation and Youth Committee

Mr. John Mahan from Harwich Recreation and Youth Committee introduced himself, along with Lee Culver, Vahan Khachadoorian and Frank Crowley who were also in the audience.

Mr. Mahan provided a report that the board has a full commission with no quorum issues. They are fully staffed for the summer. Mr. Mahan believes that the increase for the salary that was approved for the guards a year or two ago had made a difference. The Recreation Department offered 78 different programs for the various group and age levels. The numbers continued to increase year after year. They had a very busy summer at the beaches. Pleasant Road Beach was the winner of day passes sold, which shows people

are spreading out. They also added a fifth session to the summer camp and Eric was able to staff it. The Sand Pond revitalization is moving forward and also phase 4 at Brooks Park. He would like to thank the voters for their continued support and the Harwich Highway Department for their great work, we are very fortunate.

Mr. McManus thanked them for the extended child care that was offered to help parents. He also asked about the damage from the tornado to Brooks Park, and if it may have presented us with a need for phase 5 or do we let it regenerate itself? Mr. Mahan said that they actually have a meeting coming up and a high school student is coming in to give us a proposal on that topic.

2. Harwich Housing Committee

Art Bowden from the Housing Committee introduced himself and also mentioned that Mary Maslowski was also in attendance. Mr. Bowden reported that the committee has a full membership with 5 active members, they have a quorum and are all signed in. They post agendas and minutes for all meetings. Except June and July because the committee did not meet. They have attended workshops and reported a representative to the Community Preservation Committee. Attend all meetings for the Real Estate Open Space Committee and Affordable Housing Trust meetings. Would like to be on the BOS agenda to discuss ways the Housing Committee can support the Affordable Housing Trust and possible changes to the mission statement.

3. Community Center Facilities

Lee Cuiver, chairman of the Community Center Facilities reported that the community center is going to be 20 years old next February. Carolyn is putting together a birthday spectacular and asks everyone to attend. They have even been going into the video archives back to when it was built. The facilities have a full quorum and no attendance issues, everyone is sworn in and have all partaken of the ethics exam. We do have a couple issues we are trying to deal with. When we hired Carolyn, she was the Director of the Community Center. Now, she is now presently, the Director of the Community Center, the overseer of the Cultural Center and the rental agent of the shacks at Saquatucket Harbor. I know we are probably only paying her for half the hours she is working and fear we are burning her out. We have posted a position for a job for 19 hours to help her. She has done an

outstanding job at the Community Center. So proud of what we have accomplished over there. The second issue is just finding someone for the part time position that is needed.

Mr. Ballantine commented on the design of the community center and how smart there were to design the building the way they did. Mr. MacAskill replied that the part time position was approved in town meeting and the need to get Carolyn some help. He also agrees she does not get paid for every hour worked and she has done a great job. Mr. McManus commented that the Community Center was built with certain features for future expansion, including a pool and wondered if anyone has reached out to the YMCA. Mr. Culver replied that Carolyn has reached out to the Y about this.

- B. Request for approval for one (1) day beer and wine license for B FREE Coaching and Wellness for an event on 10/18/19 from 5:00 PM to 7:00 PM – Serving wine only.

Mr. MacAskill moves to approve the request for one (1) day beer and wine license for B FREE Coaching and Wellness for an event on 10/18/19 from 5:00 PM to 7:00 PM – Serving wine only. Mr. Ford seconded. Mr. Howell questioned that if they are serving the liquor, not sure they need the license for that. Mr. MacAskill read it the same way but since they requested it no reason not to just vote unanimously for it. Motion carried by unanimous vote.

- C. New Bedford Waste Services - Contract Renewal Discussion

This topic was tabled.

- D. Noise violations by Perks submitted by the Police Chief - schedule Public Hearing and designate the Town Administrator as Hearing Officer

Mr. MacAskill moves to refer this to the Town Administrator as the Public Hearing Agent for the noise violations by Perks submitted by the Police Chief. Mr. McManus seconded. All in favor.

- E. Noise violations by Ember submitted by the Police Chief - schedule Public Hearing and designate the Town Administrator as Hearing Officer

Mr. Ballantine reported that this will be tabled to next week. Mr. MacAskill also mentioned that this was tabled from last week and it should be in old business so it does not look like a new violation, because it is not.

F. Vote to support – Harwich Affordable Housing Trust General Application – Part Time Coordinator and Project Funds and Deacon's Folly Road Acquisition for Affordable Housing and Open Space/Conservation

Mr. Howell would like to speak to the first one. He would urge the board to support it. He went over the math with the Administrator at the last meeting. To remind everybody, we renewed the contract with the CDP for the second year, but there were two, \$30,000 for 6 months and the second was \$30,000 for 12 months. This application has in it an increase for the support staff that is why. Mr. Ford questioned if it is really for \$50,000? Mr. Howell replied that the need should be more like \$60,000, if you ramp up there will be more to do plus the pro rata thing, but the application received is for \$50,000 and it is really needed.

Mr. Ballantine commented that Mr. Howell's basic point is to move on this but maybe come back later for additional support. If that is a motion, this application is coming from the housing trust.

Mr. MacAskill seconded with comments. Mr. MacAskill said it would have been nice to get the minutes to the meeting. There is not a whole lot in there for \$50,000 and sharing with another town. Mr. Howell said he could get the minutes but there is a deadline for submission. Mr. MacAskill said if we are sharing with another town, they are doing 10 hours for \$30,000 and now asking for \$50,000, how much duplication is there? Mr. Howell explained that due to the contract the reported hours are being billed less than the hours worked.

The board discussed this in more detail and would like to see more information. Mr. Howell explained that this is just a support vote and the application will still be submitted. Mr. Howell withdraws the motion at this time and will bring it back.

G. Town Administrator contracting authority (including Change Orders) - Discussion

Mr. MacAskill raised this topic regarding their vote to give all contracting authority to the town administrator pertaining to phase 2 waste water.

He feels this is not responsible because he does not believe the board is seeing the change orders that are coming through. He also is not sure if the Finance Director is seeing the change orders. Based on what is going on in East Harwich, based on the 8-million-dollar bumble that they have to go back to the public with, because they underestimated that project, this board should be looking at absolutely everything related to the East Harwich project and they should withdraw the ability for the Administrator to sign all the contracts.

Also, he did make note of the item that was tabled tonight to authorize the Town Administrator for Six Million. Mr. MacAskill asked why the board would give up the contracting authority to be able to make sure the funding sources are there and also that the Finance Director has signed off on it. The board needs to pay attention. Mr. Howell asked if this is a destination point he is going to or a broader discussion. Mr. Ford asked what the policy had been in the past? Mr. MacAskill explained that \$50,000 or under the Town Administrator was able to take care of, but a separate vote last year under the Phase 2 Waste Water project changed that.

Mr. Ballantine said this contract has come back to us for six million in change orders, this is a good argument that if there is a change in the contract it should come back to the board. This should be consistent across the board.

Mr. MacAskill made a motion to move to remove the authorization for the Town Administrator to execute contracts for Phase 2 East Harwich Waste Water project and change orders.

Mr. Howell changed the motion that all contracts regardless of their source be executed above \$25,000 with the consent of the board, including change orders. Mr. MacAskill seconded.

Discussions from the audience brought up Mr. John Rendon who commented that if they have to wait for approval of change orders to be on agenda and come to BOS for approval of change order it will bog things down.

Mr. Ballantine cleared up that it will only be required for items over the \$25,000, it will not affect small things.

All in favor - Motion carried by unanimous vote.

Further discussion regarding the change order process including Mr. Norm Clark and his process for the Fire Station #2. Mr. Ballantine commented that is at their own discretion how they bring change orders to the board.

Mr. Powers made the board aware under procurement laws there would be certain change orders that if they rise to a percentage of the original contract would actually require the change order to go out for procurement again. Mr. Powers is part of the primary procurement team and will factor it in and also advise the board if a change order dollar amount necessitates another procurement.

CONTRACTS

- A. Vote to Approve – Fire Station #2 – Procurement of Furnishing & Related Materials - \$26,227.13

Mr. Joe Powers is seeking the Board's acceptance of the contract and signing of the contract. Mr. MacAskill moved to approve the Fire Station #2 Procurement contract as presented in the amount of \$26,227.13. Mr. McManus seconded. Motion carried by unanimous vote.

- B. Vote to Approve – Brooks Free Library Pump Motor Drives - \$31,500.40

Mr. McManus moved to approve the contract for the Brooks Free Library Pump Motor Drives in the amount of \$31,500.40. Mr. Ford seconded. Motion carried at a vote of 3-1-0, with Mr. MacAskill abstaining.

- C. Vote to Approve – Brooks Free Library Energy Management System \$54,067.00

Mr. Powers asked for this to be tabled as they are still working out some details.

- D. Vote to Approve – Brooks Free Library Boiler Replacement - \$80,800.00

Mr. McManus moved to approve this contract for Brooks Free Library Boiler Replacement for \$80,800. Mr. Ford seconded. Motion carried at a vote of 3-1-1, with Mr. MacAskill abstaining and Mr. Howell against.

E. Award of Phase 2 Contract 2 Sewer Project - RJV Construction Corp - \$6,621,306.25 MOTION: Authorize the Town Administrator to execute the Phase 2 Contract 2 CWSRF4424/2 to the RJV Construction Corp in the amount of \$6,621,306.25

This will be tabled for two weeks.

OLD BUSINESS

No report

TOWN ADMINISTRATOR'S REPORTS

A. Winter Boat Storage License

Mr. Powers deferred to Mr. John Rendon, Harbormaster on this topic. Though Mr. Powers sat in on the meeting with the Administrator and the Harbormaster and will support Mr. Rendon.

Mr. Rendon then reported, as stated within the memo that he put forward, they have had a long-standing relationship with Alan Harbor and operating on a two-year license extension that expired May 20, 2019. Therefore, we have to advertise and put it out to bid again. It is his understanding the town would like to continue the established relationship. Boat storage had been discussed in the past and this department is no longer doing winter boat storage directly with the customer, and that is not what he is asking for, but what he is asking is whether the town wants to continue to allow space at Saquatucket Harbor or put it out to bid to allow persons, firms or marinas to utilize through a licensed property at Saquatucket. He is not suggesting they get involved in the boat business, this is for firm or boat yards, not individuals.

Mr. Howell asked why this is a license to use land and not a land lease? If it was a land lease we would have to fulfill certain requirements. How did it morph into a license? Mr. Powers explained that the procurement team was aware of this. This is a license agreement not a land lease because you are asking parties to perform a service, but the town is not relinquishing its ownership or property rights where the activity is taking place.

Mr. MacAskill asked about the area A that was under construction so therefore it was not leased. He also asked Mr. Rendon if they were voting on something today. Mr. Rendon explained that he was looking for the Board's direction on how to proceed. He is looking to get a public notice out to get a bid and then will come back in front of the board for approval.

Mr. Ballantine gave Mr. Rendon the boards blessing to proceed.

B. Departmental Reports

ASSISTANT TOWN ADMINISTRATOR REPORT

Mr. Powers reported that both himself and the board had received a letter, late that afternoon from the HEA. Mr. Powers wanted to inform the board that the matters that both parties had been dealing with, the HEA has confirmed that it has been satisfactorily concluded, and they sent the letter noticing that and with their thanks. Mr. Powers appreciated their efforts as well.

SELECTMEN'S REPORT

Mr. Howell said that they will need to add to the agenda at some point the jurisdictional change for what was the pet burial ground, for town meeting vote to confirm. Mr. McManus commented that they should check the motion that was made.

Mr. Howell also told the board that himself and Mr. McManus had the honor to open up the Cornelius Pond walking trail today.

Mr. MacAskill asked again about providing a list to send out a letter to thank everyone that helped in the aftermath of the tornado.

ADJOURNMENT

Mr. Howell moved to adjourn at 8:10 pm. Mr. MacAskill seconded. Motion passed unanimously.

Respectfully submitted,

Lisa Schwab
Administrative Assistant