

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, MAY 28, 2019  
6:30 P.M.**

**APPROVED**

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

**OTHERS PRESENT:** Town Administrator Christopher Clark, Assistant Town Administrator Joe Powers, Town Clerk Anita N. Doucette, Tina M. Games-Evans, Meredith Henderson, William D. Crowell, Judith Underwood, Mark P. Kelleher, Kimberly E. Bourgea, Lincoln Hooper, Renee Davis, Ray Chesley, Tom Caruso, Matt Hart, John Rendon, and others.

**SWEARING IN OF ELECTED OFFICIALS**

Ms. Doucette, Town Clerk, swore in Mr. MacAskill and Mr. Ford as Selectmen, Ms. Doucette at Town Clerk, Ms. Games-Evans as Monomoy Regional School Committee—3 year, Ms. Henderson as Monomoy Regional School Committee—1 year, Mr. Crowell as Brooks Free Library Trustee, Ms. Underwood as Water Commissioner, Mr. Kelleher as Housing Authority—5 year, and Ms. Bourgea as Housing Authority—2 year.

**WEEKLY BRIEFING**

Lincoln Hooper, Director of the Division of Highways and Maintenance, thanked the employees in the Department of Public Works for their hard work in preparing for Memorial Day Weekend.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

Steve Scannell suggested to the Board that the town invest a larger budget into parking improvements in the Town to accommodate increased tourism in the future. Mr. Ballantine suggested he join the committee for the Comprehensive Plan.

**CONSENT AGENDA**

- A. Vote to approve Caleb Chase Fund request in the amount of \$207.07

Mr. McManus moved to approve the Caleb Chase Fund request in the amount of \$207.07. Mr. MacAskill seconded, and the motion carried by a unanimous vote.

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

- A. Town's Auditors, Powers & Sullivan, discuss their review of the following departments: DPW, Harbor, and Recreation

Renee Davis, audit partner with Powers and Sullivan, explained the process by which the company evaluates the Town's finances and systems for addressing financial risk. This year, they evaluated DPW, Harbor, and Recreation. She reported that DPW has a very good system and found nothing

significant needing to be addressed. They looked at the Harbormaster because they like to review departments with new developments, such as Saquatucket Harbor. She explained the Harbormaster demonstrated a good ability to track revenue. They also reviewed the Recreation Department. Ms. Davis explained that, this season, the biggest concern is tracking the money collected at the beaches. She expressed that the company provided some recommendations to each department under review and that each department has been very receptive to their suggestions.

Mr. Ballantine asked about inconsistencies in the accounting systems across departments. Ms. Davis responded that each department uses accounting software specific to each department's needs and that this is consistent with other towns. She added that there are few options for municipal accounting systems. She has seen other towns moving to more online credit card payment systems, which may allow for better efficiency.

#### B. Public Hearing – Proposed amendments to the Building Department fees—Corrections to Commercial Fees

Ray Chesley, Building Commissioner, explained the proposal to break the current commercial building fee (\$0.75 per square foot) into sub-categories for building (e.g. roofing, demolition, etc.). This is similar to the residential building fee categories.

Mr. Ballantine asked for clarification in the disparity. Mr. Chesley explained that, as an example, it would currently cost a commercial building \$0.75 per square foot solely to re-roof the building. They are proposing to charge \$0.075 per square foot to re-roof a commercial property, which is more in line with the Town's costs for inspections and paperwork.

There were no public comments.

Mr. MacAskill moved to close the public comments portion of the public hearing. Mr. Howell seconded, and the motion passed by unanimous vote.

Mr. Ford asked about how we compared with other towns. Mr. Chesley explained that other towns do not break the building fees down to the degree that is being proposed, but that he felt this was fairer.

Mr. MacAskill asked about the procedure for determining the prices. Mr. Chesley responded that he based it off the cost of a specific building renovation vs. the entire building, but also included a minimum fee (\$150) for all renovations in order to cover the costs incurred by the town.

Mr. McManus asked if the application fee (\$70) was part of the minimum (\$150) fee. Mr. Chesley said they were not.

Mr. Howell explained that fees should be charged to support the cost of the work and not provide a profit. He is confident the proposed corrections are in line with this. He motioned to accept the schedule as submitted. Mr. MacAskill seconded, and the motion carried by unanimous vote.

#### C. Public Hearing – Proposed amendments to the Disposal Area fees—Proposed increase to the C&D tip rate and to add a fee for Treasure Chest Stickers

Mr. Hooper outlined the fees he is recommending be increased and clarified that he is not recommending an increase in the residential sticker fee. He explained that the construction and

demolition (C&D) tip rate is meant to support the increase in demand. He is also recommending a fee for the Treasure Chest Stickers to ensure the stickers are only going to Harwich residents and to offset the cost of implementing the program.

Mr. Ballantine opened the discussion to public comment.

A couple member of the public expressed concern with increased costs to taxpayers for the Treasure Chest program that should be helping to keep waste out of landfills. One shared that similar programs in other towns are free for residents with appropriate town transfer station stickers and some allow non-residents to access these re-use programs for a fee.

Mr. McManus expressed concern that the fee proposed for the Treasure Chest Sticker seems much higher than what would be necessary to cover the costs of running the program.

Mr. MacManus proposed to close the public hearing. Mr. Howell seconded, and the motion passed unanimously.

Mr. Ford asked Mr. Hooper to explain the discrepancy between the cost of the sticker and the costs incurred by DPW.

Mr. MacAskill suggested that the cost of implementing the Treasure Chest program is likely going to be even less than Mr. Hooper is estimating now that the town has limited the program to town residents only. He doesn't see a reason to charge residents for the program.

Mr. Howell clarified with Mr. Hooper that this fee would affect both people dropping off as well as picking up Treasure Chest items.

Mr. Hooper reiterated the difficulty for staff and volunteers in ensuring that only town residents access the Treasure Chest.

Tom Caruso, Treasure Chest Committee Chairman, explained that the program needs a dedicated employee all day Saturday/Sunday in order to enforce the Harwich resident only policy. Volunteers do not like enforcing this policy because they are frequently harassed by the public when they do.

Mr. Howell suggested approving the other parts of the schedule and reconsidering a sticker fee that would better fit the costs of the Treasure Chest. Mr. Clark, Mr. MacAskill, and Mr. Ballantine also agreed that the Treasure Chest Sticker fee required more research.

Mr. MacAskill made a motion to approve the proposed amendments to the disposal area fees minus the Swap Shop sticker as presented. Mr. Howell seconded.

There was some discussion by the Board about how to follow up and properly address the needs of running the Treasure Chest.

The motion to approve the selected amendments past by unanimous vote.

D. Public Hearing – Proposed amendments to the Harbor Management Plan—Snack Shack Lease  
– Liquor Exception (Joint session with Waterways Committee)

John Rendon, Harbormaster, explained he is requesting a change to the Harbor Management Plan to allow for a seasonal liquor license already approved by the Board. There would still be no liquor allowed on any public pier or landing.

Mr. Ballantine opened the hearing to public discussion.

Several residents expressed concern and frustration about allowing alcohol at the Snack Shack, that it potentially violates current law, and that it would negatively impact parking availability.

Mary Anderson

Tom Shorey

Peggy Gabor

Julie Kavanaugh, Town of Harwich resident, expressed support for the Snack Shack's liquor license and appreciated the benefits the new establishment has provided to town residents. She also clarified that the liquor license was already approved, and that the new establishment isn't covered under the current management plan.

Sunny Hall, Town of Harwich resident, expressed support for the Snack Shack and has not experienced any trouble with parking.

Matt Hart, Chairman of the Waterways Committee, clarified that alcohol had been discussed in the process of allowing the license. He said that the town attorney felt that allowing the private Snack Shack facility to have a liquor license was in compliance with the current Harbor Management Plan, but the Waterways Committee had decided to make an amendment to the Plan for continuity.

Mr. Ballantine closed the public discussion.

Mr. McManus expressed that he had voted against any commercial establishments at Saquatucket Harbor, but the town had voted in favor of this development multiple times. He doesn't think it makes sense to vote against the establishment after so much discussion and work has gone into allowing for it.

Mr. Howell thinks that the Snack Shack's location on public property supersedes any of the previous decisions. He reiterated his previous opinions that the town has approved licenses and building plans without doing its homework ahead of time.

Mr. Ford expressed support for amending the Plan as proposed. He understands the concerns regarding the process, however he expressed appreciation for the work that the committees had put forth on the project to create the beautiful new facility at Saquatucket Harbor.

Mr. MacAskill isn't willing to support the amendment proposed because it is contingent upon a lease which had not yet been finalized.

Mr. McManus made a motion to approve the recommended change in Section 7.17 of the Harbor Management Plan as proposed. Mr. Ford seconded.

The Board engaged in discussion regarding the discrepancy in the number of seats allowed at the Snack Shack. The Board had last allowed 80 seats, but the Board of Health allowed only 50 seats, so the owner of the Snack Shack came into compliance with the Board of Health in the lease agreement.

The motion to approve the recommended change to the Harbor Management Plan passed by a vote of 3-2, with Mr. MacAskill and Mr. Howell opposed.

## **NEW BUSINESS**

### **A. Saquatucket Marina Vendor Shacks Guidelines and Application Procedure**

Carolyn Carey, Community Center Director, outlines plans for the vendor shacks at Saquatucket Marina. The set hours will be 9am-6pm, and vendors must submit written requests to run past 6pm. Vendors will be selected using a juried system.

Mr. Ballantine asked if Ms. Carey was concerned with the weekly turnover.

Mr. MacAskill, Mr. Howell, Mr. McManus, and Mr. Ford expressed support for the Vendor Shacks and the Community Center's efforts in the project, with Mr. McManus suggesting that they be incorporated in future updates to the Harbor Management Plan.

Mr. MacAskill moved to approve the Saquatucket Marina Vendor Shacks Guidelines and Application Procedure. Mr. McManus seconded, and the motion carried by unanimous vote.

### **B. Harwich Inn & Tavern at 77 Route 28 W. Harwich requests Sunday Entertainment license: Inside only from 1:00pm – 12:00am.**

Mr. MacAskill moved to approve the Harwich Inn & Tavern at 77 Route 28 W. Harwich request for Sunday Entertainment license: Inside only from 1:00pm-12:00am.

Mr. Howell seconded under the condition that there are provisions for closed windows and doors.

The motion carried by unanimous vote.

## **TOWN ADMINISTRATOR'S REPORTS**

Mr. Clark discussed plans to improve the construction project process.

He introduced Joe Powers, the new Assistant Town Administrator, who will be working on updating the procurement process.

He asked the Selectmen to consider vacation schedules, with summer approaching, as well as a date for the non-resident tax-payer meeting.

Mr. Howell asked Mr. Clark to clarify a question about the certificate of occupancy (C of O) for the Snack Shack. Mr. Chesley clarified that the Building Commission had given a temporary C of O to the Harbormaster's office and garage. They had done an inspection of the Snack Shack but had not been back to finish the C of O for the Snack Shack, though he expressed this would be a quick process.

## **SELECTMEN'S REPORT**

### **A. Mr. Howell**

Mr. Howell announced that he gave the Memorial Day proclamation.

### **B. Mr. Ford**

Mr. Ford expressed enthusiasm for working with the Board.

## **ADJOURNMENT**

Mr. Howell moved to adjourn at 8:40 p.m.

Respectfully submitted,

Shilo K. Felton  
Recording Secretary