

APPROVED

RELEASED

**MINUTES
SELECTMEN'S MEETING
REMOTE PARTICIPATION ONLY
Monday, May 11, 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.

CALL TO ORDER

Mr. Ballantine opened the meeting at 6:30 pm, and called to order the Board of Selectmen. Roll call: Mr. MacAskill - Here, Mr. Ford - Here, Mr. Ballantine - Here, Mr. Howell - Here. Mr. McManus - Here. The Chairman declared a quorum is present.

WEEKLY BRIEFING

A. COVID-19 Updates: Presenters: Joe Powers, Interim Town Administrator; Meggan Eldredge, Health Director

Mr. Powers explained that he will give more information under the Town Administrator's report, but they received information today from the Governor from his press conference. This was about next steps for May 18th and beyond. This will be for the phasing for COVID-19 response and non-essential businesses.

There is a 4-phase approach and the governor has identified the 4 phases by names. The first phase is "Start", about limited industries resuming with severe restrictions. And then the second phase is "Cautious", the third phase is "Vigilant" and phase 4 is the "New Normal". This is relative to the work of the new Advisory Board, which is expected to give a report next week.

The Governor has made it clear that any business or entity that is operating must adhere to the safety standards of overall social guidance, mandatory safety standards and sector specific safety protocols.

Mr. Powers explained, that he and Ms. Eldredge have been working with the departments, Sean Libby and Lincoln Hooper at DPW. They have begun retrofitting Town Hall with plexiglass, where there were open counters. They have also been cleaning and disinfecting, the good news is they have been doing a lot of this already.

Mr. Powers then turned it over Ms. Eldredge for her report. She explained that what they are doing at Town Hall and all the town buildings for social distancing, hygiene protocols, staffing and operations, and cleaning and disinfecting. They are making most of these standards right now. These are things that are needed to be solidified in a training manual.

She has been offering training one on one, and putting in place protocols for those that are sick. These protocols need to be solidified and put in a training manual. They will establish a training for what social distancing is, face covers, cleaning and disinfecting and the differences of each. It just needs to be written down. Including, protocols for if they are sick, getting tested and getting back to work. Sanitizing stations are ordered and plexiglass is up in most places. They still have some work to do with the separation of areas, but they have a good handle on that.

For the numbers, Harwich currently has 121 positive cases, which was from the very beginning in March. 31 of those cases have recovered and 11 deaths. They had 7 at Wingate and 4 deaths were within town residence. The newest count at Wingate is 63. Ms. Eldredge has been in touch with Wingate nearly every day. If not her, then the Visiting Nurse Association of Cape Cod and the Department of Public Health. They give a daily update on the number of cases and staff cases. Nine staff members tested positive, though they were asymptomatic. They should be back to work by now. They talk to the Department of Public Health about supplies and they have put in requests to maintain PPE.

Mr. Ballantine asked if he is understanding correctly, that it is still just essential businesses for these standards. Ms. Eldredge said yes, these mandatory practices for work places are for the essential business, that are

currently open and any non-essential that the Governor gives the ok to open starting next week. Mr. Ballantine asked, when she does the training, if it will be put online or on the website. Ms. Eldredge said that she would do that.

Mr. Ballantine said that he heard that a town is considering blocking streets to allow more outdoor seating, and wondered if Harwich has had any thoughts on that?

Ms. Eldredge said that she has received a lot of calls about this. As long as the number of seats does not exceed their septic capacity, they won't have any issues, with consideration through Zoning and Planning Boards. They will need to have some relief on this. They will be meeting more on this to figure out how to let people to have outdoor dining, without jumping through hoops.

Mr. Powers said that one of the reasons they are waiting till next week, is that they are hoping they will receive guidance from the ABCC. Going for outdoor dining basically expands the license for alcohol and hopefully the State will be at the forefront of that, to make it easier for the Board to make those decisions.

Mr. MacAskill said that this should be flagged as a very important topic and be put it back on for conversation to try and help the restaurants. Mr. Ballantine said that safety is number one, but this is a close second.

Mr. Ballantine asked about the numbers, if they are plateauing now or if there are any trigger numbers they are watching. Ms. Eldredge responded that the hospital numbers are going down, only 4% of cases needing hospitalization. Going down to 4% is good news, it had been up to 11% at one point. If Wingate is taken out of the equation, Harwich is on a downward trend. It is really important that healthcare workers understand the safety protocols. There are so many that are asymptomatic and don't know they have it.

The State numbers, as a reminder, when looking at the 669 new cases in Massachusetts, these are Sunday's numbers. The total number is 78,462, with 129 new deaths, for a total of 5,108. To give an idea of Sunday's numbers versus a Tuesday or Wednesday, of the 669 new cases, these were from only 6,339 tests. In comparison, to Sunday, Saturday's numbers were from 11,852 tests, and over a thousand new cases. Most labs aren't testing on Sundays, so we need to see a full week to know if we are going in the right direction.

PUBLIC COMMENTS/ANNOUNCEMENTS

- A. Discussion and possible vote to allow Sewer Phase 2 Contract 1 Construction (Robert B. Our Co., Inc.) to extend beyond Memorial Day until June 26, 2020.
- B. Discussion and possible vote to allow Sewer Phase 2 Contract 2 Construction (RJV Construction Corporation) to extend beyond Memorial Day until June 26, 2020.

Mr. Powers explained that he provided a memo in the packet and building on the materials provided, both contractors are availing themselves of their right, under the contracts to request extensions. It has been vetted by every level of staff, as well as their two vendors, CDM Smith and Weston and Sampson. He concurs with the staff and vendor recommendations, and recommends that the Board of Selectmen approve the requests as outlined.

Mr. Griffin Ryder said that giving them the extension, based on the schedules they have provided, will allow them to get out of the roads. If they are allowed to work until the 26th, they will be able to be out of the roads for good and won't have to go back in September to open them up again which right now with the situation we are in, that is the way to go.

Mr. Ballantine said that if his memory is ok, when they repaved Route 137, they did allow the contractor to work until the end of June, and allowed them to extend.

Mr. Howell said he had one question. A few meetings ago, they extended the time within the day that they would allow the work to be done by Robert B. Our. Since that point, they have not availed themselves of that a heck of a lot. If they give this extra time, what times of the day are they planning to utilize? Also, if they do want the extended time, are they going to use it? Mr. Ryder responded that the hours will typically be 7:00 am to 4:00 pm, but sometimes it may be 7:00 am to 5:00 pm. Extending to the additional times of 7:00 am to 7:00 pm, would have cost additional money to the Town. So, they chose not to extend those additional hours, and they will continue to go that way.

Mr. MacAskill said he had one question, and asked if this was a matter of right. If no, work can be performed in June and July, do they have to take an

action on this or is a matter of right? Mr. Powers responded that this is something in the contract they have the right to ask for, but the Board has to take an affirmative action to grant it. Mr. MacAskill then said that he would assume that given the original plan, that they would be done by Memorial Day. He then asked if there would be a cost savings to the town, since they won't need to remobilize in the fall to come back? Has any cost savings been discussed? Mr. Ryder has asked that, and there has been no discussion of a credit or a cost for this extension. It is a unit cost contract, so they install and they pay for it.

Mr. MacAskill made a motion to approve the request allowing Sewer Phase 2 Contract 1 Construction (Robert B. Our Co., Inc.) to extend beyond Memorial Day until June 26, 2020, and he also moved to allow Sewer Phase 2 Contract 2 Construction (RJV Construction Corporation) to extend beyond Memorial Day until June 26, 2020. Seconded by Mr. McManus.

Roll Call Vote: Mr. Howell - Aye, Mr. MacAskill - Aye, Mr. Ford - Aye, Mr. McManus - Aye. Mr. Ballantine - Aye. Motion carried by unanimous vote.

OLD BUSINESS

- A Vote to approve Seasonal Wine & Malt Liquor License – Dockside Seafood Shack, LLC doing business as Dockside Seafood Shack, 715A Route 28, Harwich

Mr. Powers began the discussion, that he knows by secondhand, some of the anxieties from last year that caused the Town Engineer to work on the site plan review over the Fall and Winter.

He said he is working with the Planning Department for the as-laid site plan for their review. The season is fast approaching. So, in the packet is the license renewal form that was completed by the manager, the information by the Town Engineer, regarding the as-built plan, and the next steps that would take place for that and the original lease documents that were in consideration last year and still in effect.

He included in his memo, and to put it out there again for the Board, the statement of the facts as he understood them:

1. This establishment was in operation from Memorial Day until mid-October last year, with a seating capacity estimated to be upwards of 80 seats;
2. That review by the Board of Health put the allowable number of seats at 50;
3. That the Town Engineer's preliminary As-Built Plan is in the process of being submitted for Planning Board review;
4. Recognizing that the Planning Board/Department has previously referred to an allowance of approximately 16 seats;
5. And also, not knowing yet what the Governor is going to do after May 18th, if the operation is going to resume today, it will be take-out or curbside only, with allowable liquor sales for off-premise, beyond Town property in this instance.

His recommendation, first and foremost, is for the Board to renew the liquor license, the seasonal Wine and Malt. However, for discussion purposes he recommends that the Board should put it at 16-seats pending the Governor's orders and the Planning Department's review.

Mr. Ballantine said as a reminder, that they did sign a 5-year lease at this property. It is in their best interest to encourage a successful business here. He also asked what the timeframe is to move forward with the 50 seats?

Mr. Powers said that it depends on the as-built site plan process and Mr. Ryder is in the process of submitting the paperwork. He asked Mr. Ryder if he was able to give information on that. Mr. Ryder said he did not have any specific dates right now, a couple of months probably by the time it is submitted.

Mr. MacAskill said that he was a little confused by this and to preface the conversation that he voted no on this, he was against the Snack Shack from the beginning. He does not understand why the Town Engineer has been tasked with so many projects. Also, why vote on 16 seats and not vote on 50 seats. They voted against the 80 seats. In May there were several conversations with the lessee and with Ms. Eldredge, and they landed on 50 seats. This is important, they have been working on this site plan since at least July. He added, this is with no disrespect to Mr. Ryder, but he would

think the Board could vote to approve the 50 seats. Under the COVID-19, they would be limited anyway. For us to say two months, a month, or even three more weeks is a disgrace. They should work with the business owner. There were no complaints there last year, except for maybe a site plan and enough tape and rope can be used. This Board should give some latitude to let this business owner operate as they said he could.

Mr. Ford said that Mr. MacAskill pretty much said what he was going to say. Though he would not go as far as to say it is a disgrace, but it is a terrible message to send to businesses, if we don't allow the 50 seats. It has been a great addition to the town and he has heard nothing but compliments, both to the fact that it is there, and the addition to the town that it is there. The type of service and the type of food. He agrees with Mr. MacAskill, though he disagreed with him on the first vote, but appreciates that Mr. MacAskill has come back with support.

Mr. McManus said that he would like to make a motion to renew the Seasonal Wine & Malt Liquor License – Dockside Seafood Shack, LLC doing business as Dockside Seafood Shack, 715A Route 28, Harwich, with a seating of 50. Seconded by Mr. Ford.

Mr. Ballantine said that he could not agree more with what Mr. MacAskill and Mr. Ford said.

Mr. Howell said, though he realized that he was going to get colossally outvoted, he had just a couple of things for the record, so people remember how we got here. An RFP went out, which did not guarantee a liquor license. As soon as it came back with one offer, inexplicably no one that had the RFP understood that they were not going to be faced with being able to utilize three times as much property as they thought they would. Just so everyone knows and they don't get ahead of themselves, this colossal business that is going to help the town, is right next to a business that had to buy a location. Secondly, just to put it in perspective, the \$24,000 plus that he was paying for lease payments, if we were expecting that to defray the harbor it would take a 100 years for that to occur. Mr. Howell continued that he was not impressed to help out funding a two plus million-dollar site. It was Mr. Clark and Mr. Griffiths that walked the property and extended the property. When you set a liquor license up, you have to attach a site plan, the site plan approved by the Planning Board does not get you the 50 seats. They have stretched a lot of

things here, they opened without a certificate of occupancy last year, and he does not think other businesses would have been afforded. Mr. Howell said that he will vote against this, obviously it will pass four to one, but there is just so much wrong with this.

Mr. Ballantine asked Mr. Joe Griffiths, lessee, for comment. Mr. Griffith said he wanted to make one comment to Mr. Howell. He said that the perimeter of the operating area that the Shack operates in, is attached to the lease. It was clearly delineated from the time the bid went in and the lease subsequently was drafted, negotiated and signed by the town. So, no secrets there. He would appreciate a yes vote for all the reasons that Mr. MacAskill has enumerated, which saved him a lot of time and he appreciates the assistance. Mr. Griffith believes that he has been a good neighbor and has provided an operation that the town can be proud of. The people like it, and he plans on continuing that same quality. Also, the 50 seats will likely end up to be 25 or 30 this summer, due to the Governor's policies with COVID-19.

Mr. Ballantine told Mr. Howell that they could debate this for a long time. He agrees that there have been some mistakes, however it is a nice feature for Harwich Port. They don't need to debate this too much longer.

Mr. MacAskill said he has no debate. In the beginning of this he agreed with Mr. Howell, but they passed it. This is a town facility and at this point they have to pay for. He would just like to make it clear that he is fine with the motion, although they are not just allowing 50 seats. With COVID-19, it has to follow the Governor's guidelines and it also needs to pass through the Planning Board. If the Planning Board comes back and says it can only be 16 seats, then it will need to be revisited. This should not be held up; small businesses are suffering. They took their time to get this in front of the Planning Board, and he does not believe they should make this person wait four more weeks. They should support the motion as it is now.

Roll Call Vote: Mr. Ford - Aye, Mr. McManus - Aye, Mr. Howell - Nay, Mr. MacAskill - Aye, Mr. Ballantine - Aye. Motion carried by a vote of 4-0-1.

TOWN ADMINISTRATOR'S REPORTS

A. Update on Annual Town Meeting impact by COVID-19, special legislation and Governor's orders

Mr. Powers explained, that he had provided as much information as he had in the packet, but he had not received the information on the Governor's orders.

To note, the warrant discussion was not continued this evening, but he sent an email to the Board with some information regarding the legislation that could impact the Town Meeting, as well as, the way in which it is conducted.

This time last week, the Senate version of a bill passed, which would greatly strengthen the Boards ability to reduce, with the moderator's consent, the warrant down to a financial warrant itself. They have another call with the Lieutenant Governor tomorrow, about the phasing and about legislation. He also had asked staff to work on a financial warrant itself.

The update is that he spoke with counsel and needs to correct some of the statements that he made. Specifically, that until the Board executes a warrant, there is no restriction on the Board being able to push out town meeting. So, they have until June 8th to finalize a warrant in anticipation of a June 22nd Town Meeting. He would recommend that they have a draft warrant back in front of the Board on May 18th. He would like to be able to time it with any legislation that may be passed, so that the Board has the full information. It would be good to have a sense from the Board as to when they want to do next steps on that. If they do not commit to a warrant, they can continue the meeting for a success of 30-day periods.

Mr. Ballantine asked, if in terms of steps is Mr. Powers trying to have a couple of meetings and then try and finalize something by June 8th? Mr. Powers responded that yes, there is a document that has been created that gets to all of the financial articles that relates to the proposed legislation. So, if the legislation passed and the Board wanted to do the reduced quorum mechanism, they could then do a financial warrant. So, what he recommended is, if they hear something before Thursday of this week on legislation, they could start a conversation next week, otherwise they should wait until the May 26th.

Mr. Ballantine confirmed, if in terms of quorum, they can go to 10% below, if their quorum is 150, so a reduced quorum would be 149.

Mr. Howell had comments and questions about how the town funds through a variety of items and questioned what they are talking about being involved in only a financial town meeting.

Mr. Powers said that based on the Senate bill that passed, it simply says a financial warrant. Mr. Howell asked if the financial items he mentioned would all get covered in that. Mr. Powers explained that there is no definition in the present Senate bill. If you look at the legislation, the last line of that sentence says “and anything else that the Board of Selectmen puts on it”. So, what it is saying is, if the Board uses the reduced quorum mechanism, there are a couple of processes that would have to take place. This would include a 7-day notice for hearing. However, if the Board is going to avail themselves of that reduced quorum, it talks about limiting the warrant to financial matters only, but then adds the caveat for other articles to be added by the board.

Mr. Ford said the once they see a completed, and voted through House and Senate bill, then they should have a true definition that hopefully will answer Mr. Howell’s concerns. They all have the same concern, and need to know what it is for accepting the legislation relative to the quorum. They don’t have a clear definition tonight.

Mr. McManus said that he attended a virtual meeting on Tuesday with the Municipal Association Policy Committee and they reviewed this material. The MMA’s primary concern about this legislation is that it would make it impossible for matters such as zoning amendments and other types of bylaws to be enacted with a reduced quorum. With the language that came out of the Senate, there was considerable concern. MMA is continuing in their objection to it.

Mr. Ford said that he had a conversation with his brother, who is counsel to the Town of Orleans. They are looking at a wide range of solutions, if a lot of people show up. The auditorium at the middle school or screens in classrooms. They are also considering the field outside, with distancing circles with chairs in the middle. He also added that Wellfleet, Truro and Provincetown have all decided to push meeting to the Fall. Other towns are still considering having the meeting in June.

Mr. Ballantine asked Mr. Powers what options there are with considering moving to the Fall, if they so choose and what the positive and negatives would be.

Mr. Powers said that until the warrant is posted, the Moderator has the right to extend for 30 days. There is no limit on the number of 30-day extensions that a town could use. Assuming that they have not posted the warrant. Once it is posted then you can only use one 30-day extension. Mr. Powers also said that they are still waiting on guidance from Governor Baker on being able to have meetings greater than 10, 50 or 200 people. The reopening taskforce has Town Meetings and broad community events as one of the topics they are looking to speak about next week.

Mr. Ballantine said that it sounds like he is suggesting they work on a warrant for the June 8th deadline, to decide what we want to do. Mr. Powers said, it is his recommendation to go with a wait and see approach. They will have to wait and see what happens during the coming weeks. In the meantime, he is waiting on a draft.

Mr. Howell said, that as Mr. Powers pointed out, there is no answer to this. The town elections are scheduled for the week after this. Should they not avail themselves of things like warrant articles, that would have to be a follow-up on at Town Meeting, like the ones associated with the election, because that is not allowed.

Mr. MacAskill said that a couple of other towns threw their names in for Fall Town Meeting. Looking at the budget, he would like to know how far along the Town Administrator and staff are with potential budget reductions based on how much revenue the town may lose. He would like to know how much work has been done including the losses. Also, to reiterate his objection to the June Town Meeting; they are discussing limiting seating in restaurants and how many people are allowed on the beach. Town Meeting, as it is planned right now, is not far away and the numbers are not dropping fast enough for him to feel comfortable sitting in a room. Also, to Mr. Ford's point, in watching Orleans and other towns that are talking about outdoor Town Meetings, is a great idea.

Mr. Powers responded that they could resume a conversation on the finances and budget of the town, as soon as next week, if that is what they want to do.

Though he is trying to make sure they have an approach that covers everything; as well as, factoring in what they may hear, at any moment, from the Governor or the Legislature, which may impact everything they are doing. They are in a conversation, to have ongoing conversations and the numbers are changing, the information is changing. They do have documents that they can rely upon as a basis for these discussions.

Mr. Ballantine asked if this can be separated into two different discussions; one financial and one town warrant. Can they continue the financial discussions, but look to postpone the town meeting for the 30-day segments until they learn more?

Mr. Powers said it is a workable approach, the two driving factors have to be the legislature this week, and the Governor this week and on Monday.

Mr. McManus said that he wanted to reiterate something he has said many times over the years. That is that the analysis and discussions need to start with a very rigorous and intense understanding of what the projections of our revenues are going to be, as a starting point, before we start talking about what services we are going to fund.

Mr. Ballantine said that his direction would be to hold on the town warrant discussions until they know more and start a more formal financial discussion next week.

Mr. Howell said, he totally agrees with both Mr. McManus and Mr. MacAskill. If we start getting empowered to do 1/12 of the proceeding budget of a target that is allowable under state law, and that looks like that is what they are going to do, that does not mean that they should spend up to that amount. They should be looking at projected revenues, we have a fairer portion of what goes into our budget assuming everyone pays their real estate tax bills. Though there is still a fair amount of the town that is supported by fees, meals taxes and room taxes. His belief is, that those are not going to be as robust as they would have projected. They really need a plan B, as to how much they are allowed to spend, because they know they will not have revenues that will match up to that.

Mr. Ballantine said that they need a consensus on what their direction is to bring this back for discussion. Mr. Ford said that he agrees with all that has

been said, but we should be prepared for anything that lays ahead. We should have the option open to us to move forward with Town Meeting. Mr. McManus confirmed the need for the 14-day notice for Town Meeting.

Mr. Ballantine said that they should focus on their financials and asked Ms. Carol Coppola, Finance Director, for input.

Ms. Coppola said that she is ready, whenever they are, to talk about revenues and move on to talk about expenditures as well.

Mr. Ballantine said they will be put on next week's agenda.

B. Update on Beach, Golf and Employee Return Resumption plans

Mr. Powers first will provide an update on the golf resumption plan that Mr. Roman Greer, Golf Director and Shawn Fernandez, Golf Superintendent, worked on when word came out from the Governor overnight on Wednesday/early Thursday morning that golf was still non-essential, but could continue. This essentially means that it became essential. They basically put a plan together on the fly, and were able to get everything in place. Cranberry Valley Golf Course was opened on Saturday, May 9th and Mr. Greer is on the call to provide additional updates.

Mr. Greer said it was wonderful to see golfers out on the golf course at Cranberry Valley on Saturday. They had inclement weather, which affected their numbers, and they opened with a limited schedule. They had 39 golfers on Saturday, 79 on Mother's Day and another 51 today. So, they are utilizing the golf course. Also, they had a demand come in membership sales. In the three days they were open they had 169 annual passes totally approximately \$98,000. So, there is a lot of pent up demand for golf. It was a good opening and everyone followed the guidelines that were strictly enforced to provide a safe environment for everyone. It was a big success.

Mr. MacAskill said it would be nice if the Board could see, and maybe through the Finance Director, when they start talking about finances, what he projects that they may not bring in for revenue and what percentage of memberships have renewed and what will they lose in cart fees. A projection on where he thinks they will be. Also, he would like to thank them for what they did to

get people out on the course. Mr. MacAskill asked if they have had any discussions about the cart lease and if there will be any savings because they are not going to be using them.

Mr. Greer first responded to the cart question. They have a revenue share agreement; so, when the carts don't go out there is no cost to the town. The town only pays for the carts when they go out on the golf course. So, there is no loss there. For the financials, he does not have all the numbers in front of him now, but in general they are at 507 annual passes at this point, and last year they were at 1141, so they are still off. Obviously in the month of April we sold no green fees. Coming into Memorial Day we are down 6 weeks, or so, of green fees. So, we are significantly down. He has been in touch with Ms. Coppola and Mr. Powers and has shared a spreadsheet outlining exactly where they stand and anticipates a conversation.

Mr. MacAskill said that he is sure they will get into that when they do their financial talks and revenue losses for the town. He has one last question for either Mr. Powers or Mr. Greer, on the decision not to rent push carts and not to allow single users to go out in the golf carts. Was that a town decision or the Governor's decision?

Mr. Powers responded, that it was a Governor's decision. Mr. Greer and Mr. Fernandez have been working throughout COVID-19, in the anticipation of opening again. The Governor didn't really change anything in the FAQ's, because it is still non-essential he put a number of restrictions on it. Golfers can walk, they can use their own push cart. They cannot rent push carts and they cannot rent carts. However, the Governor is changing things in regards to the carts, because of how it impacts the American's with Disabilities Act. There is some easing on the restriction of carts, but all of that comes from the Governor. He and Mr. Greer talked today, and they expect that could be in place for likely the next two weeks, but they hope the Governor will ease up on those restrictions. Mr. Greer and the staff have shown they are ready to have operations continue to move in a safe manner.

Mr. Ford said, he knows as it relates to the cart subject, a number of States throughout the country now are allowing carts to be used, but only by a single user. They can put two bags, but only one person in the cart. Hopefully the Governor will move to that.

Mr. Greer said he has been following what is happening nationally and Massachusetts is far behind what is happening nationally in golf. There are a lot of best practices, such as having a cart that is only allowed to be used once per day and by only per person with sanitizing procedures. It will take a lot of staffing to do this correctly, and a lot of product, but as soon as the Governor gives the ok they are ready to develop a plan.

Mr. Powers said that he has been working with Mr. Eric Beebe, Director of the Harwich Recreation Department, on the beach resumption plan. His only concern is if they go too deep into the plan, the Governor can likely change it. Therefore, they will have a document that the Board can review on the 18th, but just recognize that it could become completely mute by then.

Lastly, the employee resumption plan, they have had more staff returning to municipal buildings. They are utilizing the required protocols on face coverings, social distancing, hand washing and hand sanitizing. They are working very diligently on retrofitting the buildings so that when it is safe for the public to return, they can receive them.

C. Policy on Changing Fees as it relates to proposed Disposal Fee for FY 2021

Mr. Powers said that this is just a follow up to their discussion last week, on the disposal fees. There was a reference to policies, so he wanted to share this in the packet and get some guidance on next steps from the Board for the disposal fees.

In the packet, on page 30, is the latest version of the “Changes in the Rules, Regulations and/or Fees”. This talks about a 14-day notice. So, his question to the Board is if there is an expectation that they will be operating under this policy, because the policy talks about boards, commissions and committees. This is more of a department under the Board of Selectmen, so, he is looking for guidance and direction from the Board, based on that policy.

Mr. McManus said that the policy was written for all departments, committees, commissions and boards. The Board of Selectmen is a board, so it does apply. It also is a policy of the Board and is subject to be changed at any time.

Mr. Howell said that he agrees with Mr. McManus. That is how they have always done it, because it gives fair warning in a public hearing, so that people can give an opinion about what they do or don't want.

Mr. MacAskill added to Mr. Howell's point, that there was quite an analysis completed to the memo from Mr. Lincoln Hooper, Director of Highways and Maintenance. This analysis really tore into the expenses and depreciations, everything except for things like op-ed. In the chart the person broke it down to if they have a 13% decrease in trash going out, it would warrant the sticker price staying the way it is. If there was a decrease of 15%, would call for a reduction. To Mr. Hooper's point, when he spoke about a commercial solid waste intake, when they had a shutdown, when they didn't take any in. Also, to just go a little further, retail stores and restaurants have been closed for 45 days for the most part. Mr. MacAskill said he thinks they should do an independent study on what goes on at the dump. Should they continue to fight for other town's commercial solid waste and when will they get to the point that they really think about Harwich and why neighboring communities don't take this trash.

He thinks they should really look at these numbers. Reductions will be far more than 13% and the Board should take a hard look at this before they stick the residents with \$20 more for their dump sticker. The last point he will make is that Mr. Hooper, in his memo to the Board, mentions S&J in Dennis and Daniels in Orleans. Those should be taken right out of the analysis because they should not be comparing ourselves to for-profit businesses. If they are, they believe they are under the assumption they are doing this for profit. They need to do a full analysis of this.

Mr. Ford said that Mr. Hooper had answered many questions that he has had and his analysis appeared to be a pretty in-depth analysis. He would say that the individual that did this bang up 13-15% analysis, that it should be shared with the rest of the Board of Selectmen. He is not sure what the intent was on that. On another front, when there is a reduction in commercial MSW, it does not mean that the overall costs go down. You still have to pay to have the residential taken. Right now, as a result of the commercial MSW, Harwich does \$20 per ton net margin and \$50 per ton on the CND, which helps us subsidize what we pay as individual residents. But rather than debate this out here tonight, because there are some strong points of view on this, we should have Mr. Hooper back and let him talk through some of the things that have

been pointed out. Mr. Ford felt it was disappointing for individuals that have not spoken to Mr. Hooper, to provide an analysis of departments, with implications that somehow they are mismanaged. He thinks that Mr. Hooper and all department heads have always worked really hard to deliver the services that are needed for the tax payers. He takes exception to how this discussion has been approached and Mr. Hooper deserves a chance to come in and answer the additional questions.

Mr. MacAskill asked to respond, that he did not send that out specifically to the rest of the Board, because he felt it would be a chain deliberation and chain discussion. He did send it to Mr. Ballantine, Mr. Powers and Ms. Coppola and asked that it be brought before the Board for discussion. This resident wrote it based on Mr. Hooper's memo to the Board, with direct questions. So, he sent it to Mr. Ballantine to have a conversation with the full Board instead of an individual back and forth. He also has shared the questions, comments and concerns with Mr. Hooper, so he would be prepared for what the questions were.

Mr. Ballantine, said that although Mr. Hooper said this was not urgent, he would like to see this back on the agenda. Mr. Powers said that the earliest would be June 1st, for the notification to be in the Chronicle.

D. Fire Chief Hiring Process

Mr. Powers said that the memorandum in the packet, is pretty straight forward. The appointment of the Fire Chief, is an appointment by the Board of Selectmen. There are no restrictions or limitations on the process that could occur, neither in the Charter or Mass General Law c.48, § 42A.

In a conversation with the current Fire Chief, he indicated that the process that was used the last time, when he was appointed, the Board simply scheduled an agenda item. Therefore, Mr. Powers would recommend to the Board of Selectmen to schedule an agenda item for Monday, May 18, 2020, for the purpose of interviewing Deputy LeBlanc for the position, given that he has been recommended by Chief Clarke, for the promotion from Deputy to Chief. Deputy LeBlanc has also expressed a willingness to serve in the capacity of Fire Chief. Again, this is in accordance with past practices of the Board, so he puts it out there for the Board's consideration.

Mr. Ballantine asked if at this time, they agree to put this back on the agenda for May 18th. He will take questions or comments.

Mr. Ford said his question is, are they doing an interview at that point and voting on it? Mr. Powers said, that from what he knows the last time the Board went through the process to hire a Fire Chief, it was scheduled as an agenda item, and the Board met the candidate, had questions for the candidate, and then affirmed the candidate by a vote. So, he is putting it out there for the Board's consideration, as past practices. Mr. Ballantine agreed that is how he remembered it going. He thinks it worked out well last time.

Mr. Howell said he has had some people make comments in passing and he was there through the various Chief appointments over the years. When you have a department that has people who are ready and trained to move forward, it would send a bad message not to promote them. This department has historically developed talent, not only here but some that have moved on in other towns. It is premature to say how he will vote, but these are extraordinary times and it would be nice to have an overlap for a seamless transition.

Mr. McManus said when he was part of the Assembly of Delegates and met with the Fire Training Academy to look at its operation, he had the opportunity to meet a lot of Chief's from other towns. He was pleased to hear how highly regarded our department was, county wide. When you have an operation like that, developing talent from within are some of the practices you want to continue.

Mr. Ford replied that he was just wondering about the process, not the individual, and that has been cleared up. Mr. MacAskill said he is fine with bringing it back next week.

Mr. Ballantine said, with no objection, Mr. Powers, please put this on the agenda for next week.

OPEN PUBLIC FORUM

A. See dial in instructions above

Mr. Ballantine opened the Public Forum. The public was invited to call in and participate in the meeting to offer comments and/or questions. Mr. Ballantine asked Lieutenant Scott Tyldesly if anyone had called in. Lieutenant Tyldesly responded that there were no calls.

EXECUTIVE SESSION

A. Pursuant to MGL, c. 30A section 21 (a) paragraph 3 to discuss bargaining strategy for all town unions if an open session would have a detrimental effect on the town's bargaining position and the chair so declares

ADJOURNMENT

Mr. Howell moved that they adjourn at 8:08 pm and that they reassemble in executive session pursuant to MGL, c. 30A section 21 (a) paragraph 3 to discuss bargaining strategy for all town unions if an open session would have a detrimental effect on the town's bargaining position and the chair so declares. Seconded by Mr. MacAskill.

Roll Call Vote: Mr. Howell - Aye, Mr. MacAskill - Aye , Mr. Ford - Aye, Mr. McManus - Aye. Mr. Ballantine - Aye. Motion carried by unanimous vote.

Respectfully submitted,

Lisa Schwab
Administrative Assistant