

APPROVED

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, JUNE 24, 2019
6:30 P.M.**

RELEASED

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

OTHERS PRESENT: Town Administrator Christopher Clark, Fire Chief Norm Clarke, Carolyn Carey, Judith Ford, Mary Oldach, Griffin Ryder, and others.

CALL TO ORDER

Mr. Ballantine opened the meeting at 6:30 pm, and called to order the Board of Selectmen.

WEEKLY BRIEFING

- A. Chief Norm Clarke, Harwich Fire Department, said that he has an example of our State Government and local government working together to take care of its residents that we all serve. He was notified on Friday, that they received a payment for \$125,499. This is from a program with MassHealth that they enrolled in, and it is used to help offset some of their billing.
- B. Ms. Carolyn Carey, Director of the Community Center, said that she wanted to remind people that they still have opportunities for vendors at the Seaside Marketplace, which will be opening July 3rd. If anyone is interested in sharing their wares, they are looking for vendors and applications can be found online, at the Cultural Center, or they can contact her.

Ms. Carey also wanted to remind people that the fiscal year begins July 1st, so membership renewals for the weight room at the Community Center will be due. She said that she also wanted to let people in the community know that they can sign up for the Community Yard Sale, which will be at Brook's Park on August 3rd. They already have 15 people signed up. If it is a nice day they will have unlimited space, but if not, and they have to go inside, space will be

limited. This is done to allow clubs and organizations to pay for rooms at the Community Center.

PUBLIC COMMENTS/ANNOUNCEMENTS

- A. Ms. Judith Ford, President, Friends of the South Harwich Meetinghouse, said that they had a phenomenal award ceremony in Boston at the Mass Historic Commission. They recognized the South Harwich meetinghouse project. She wanted to publicly announce and recognize the efforts that have been given by Town Administrators, Board of Selectmen, Building Inspectors, and staff from every department, to get the project to this point. She wanted to say how much they appreciate it and what a great honor it is for their organization and for the Town of Harwich. She will be putting a board up around town to let people know about this project. Ms. Ford also announced that in the middle of July, they hope to have a full year of programming ready for the Meeting House.

Mr. Ballantine also mentioned that there was an article, in today's Cape Cod Times, that had a very good write-up.

CONSENT AGENDA

- A. Accept a gift of \$400.00 from the Harwich Cranberry Festival for the purpose of paying for the tuning of the piano recently donated to the Cultural Center
- B. Vote to approve 2019 Annual Committee Re-Appointments
- C. Vote to re-appoint Jim Joyce to the Planning Board—term to expire June 2020
- D. Per the recommendation of the interview nomination sub-committee—vote to appoint Sharon Fleger as a Full Member to the Board of Health
- E. Vote to affirm appointment of Dana DeCosta as a Board Secretary
- F. Vote to Exempt Dana DeCosta from the provisions of MGL, c.268A, §20

Mr. Ballantine said that he would like to hold items E and F, above, for procedural reasons and it will be added as an agenda item in a couple of weeks.

Mr. Ford moved to approve Items A through D, as listed above. Seconded by Mr. MacAskill.

Mr. Howell said that they had received a revised list for the reappointments, which was not part of their packet. He included the following changes;

Brendan Lowney, 2022, Kim Bourgea, as the Housing Authority Rep, for the Community Preservation Committee, for a term ending June 30, 2020, and deleting John Preston from that list. Also, the appointment of Sharon Pfleger, for the Board of Health, would be through June 30, 2022.

Mr. Ballantine also noted that instead of John Preston, they need to substitute Ms. Elaine Shovlin, because her term expires at the end of the month, and she should be reappointed.

Mr. McManus said that he needed to recuse himself for item A, and Mr. Howell said he needed to recuse himself for the appointments.

The motion was accepted as revised, and seconded by Mr. MacAskill. Motion passed at a vote of 3-0-2, with Mr. McManus and Mr. Howell abstaining.

PUBLIC HEARINGS/PRESENTATIONS

A. Safe Routes to Schools Update; Mary Oldach, Principal, M.Ed. Harwich Elementary School and Griffin Ryder, Town of Harwich Engineer

Ms. Mary Oldach, Principal, Harwich Elementary School, said that she is there tonight with Mr. Griffin Ryder, Town Engineer, to give an update on the Safe Routes to Schools and about the sidewalk grant that they received. Ms. Oldach said she wanted to first give some background on the program and Harwich Elementary School's involvement with the program. Safe Routes to Schools is a program through the Mass DOT and encourages schools to promote walking, riding bikes and pedestrian access to the school facilities. They began to participate in this program when practicing their crisis drills with the students and the evacuation of the building. She said that because of the involvement in this program they achieved a gold level status with the Mass DOT and also they had a strong application because of that and they have about 40% of their students are on free/reduced lunch. The application came to their attention back in December, and it was a combined application with Harwich Elementary School and the Town of Harwich. They had looked at the improvement of the crisis route for the students. She said on any given school day, they can have around 700 people in their building, with about 560 being students. The crisis route is down primary sidewalks and what they have noticed is that the sidewalks are certainly not ADA compliant. They also put in their application

improvements to the Town recreation facility connecting to the bike routes and to Brooks Free Library and park as well.

Ms. Oldach said that they did have a kick off meeting with Mass DOT and Cape Cod Commission, Fire Department, Police Department and the school, just last week and Mr. Ryder will update on the progress.

Mr. Ryder provided an update on where the project is now and next steps moving forward. He said that the map shows the limits of the project, which are South Street to the west, Main Street to the north and then Sisson Road to the East and South East. One of the connections we also want to evaluate as part of this process, is the stretch from Sisson and Parallel Street to Bank Street, where the Library is. Mr. Ryder said that Ms. Oldach did a great job in applying for this grant and getting awarded nearly \$600,000. He said this is a new process for the Mass DOT and basically the intent of the process is that there are 14 projects that were awarded a Safe Routes to School grant, which totaled \$15 million. They are basically looking to spend \$1,000,000 on each of those projects and it includes, design, construction, but it does not include right of way acquisitions. This grant will allow them to design and know where right of ways might be. This program gives you money to get the designs figured out, work with DOT and then also get the construction to get it built. The earliest the project would be carried out would be 2022 to 2024. He further explained the next steps in the process are to file a couple of project notification forms, which are due at the end of the week. The submittals are shooting to a deadline of Aug 15th which is when the Mass DOT Project Review Committee (PRC) will meet and decide to move projects forward, or not. He said that then by July 31st, they will need to do a project information form, which will include conceptual project designs, which is being done by AEComm, an engineering firm that was contracted by Mass DOT. That will get them to a pre-PRC meeting on Aug 1st then to the PRC meeting on August 15th.

Mr. Clark said that he attended the meeting and they walked the entire route. He said explained the benefit of completing a DOT project more timely in order to get more funding for the project. He said they are in good shape with being in the first third with getting things submitted.

Mr. Clark said that the bad news that they had indicated, was that they are not sure how they want to deal with *complete streets*. This means that they would ask for sidewalks on both sides of the street and a bike lane. He thinks it is a good opportunity to improve sidewalks on one side, but it does not lend itself

to both sides. There are some approaches that they can take for prioritization, to perhaps come up South Street and Main Street and have that be Route A, and have Route B come up Sisson. Mr. Clark said one thing he was hoping to get for the Board is to get to more of a final design, because as they have heard, it is a very tight timelines. As part of the process is they will come back on 25% to 75% complete submittal. They will have a public meeting to walk people through that and explain that it is the Town's intent to improve the sidewalk on one side and lay out a case for a project exception.

Mr. Howell said he thinks this is great, and that it will be a real plus if this will happen. However, he is thinking of how things happened on Route 137 and Route 124, and wanted to know if they cannot move forward with the complete streets, and cannot get the exception, would they owe the State anything for the endeavor?

Mr. Clark said the easy answer is no. AEComm has been contracted with to do the initial design, so there is no cost to the Town. He said that they did ask if there were other towns that would be able to comply with the complete streets, and the answer was no. They have 15 communities submitting and they understand that not all of them will be able to comply with that. He would hate to lose the money and they need to concerns that they have.

Mr. Ballantine commented on how important it is for the safety of the kids and that they will have to have their ducks in a row.

Mr. Ryder said personally he thinks that the DOT will look at this a little bit differently, because if it comes to a point if complete streets means non-safe route to school, it won't look good. He also confirmed that a public hearing would happen around the 25% of the design. He will also bring updates back to the Board at each submission process.

NEW BUSINESS

- A. Request from the Harwich Cranberry Festival for a partial waiver of the facilities fee for the courtyard rental for Thursday night concerts at the Cultural Center; from \$1,050.00 to \$525.00

Mr. McManus recused himself from this discussion.

Mr. MacAskill asked about the number of concerts and how many Cultural Center staff would be needed. Mr. Clark responded that there are seven concerts and Ms. Carey confirmed that only one staff and the cost covers it.

Mr. MacAskill moved to approve the request from the Harwich Cranberry Festival for a partial waiver of the facilities fee for the courtyard rental for Thursday night concerts at the Cultural Center; from \$1,050.00 to \$525.00. Seconded by Mr. Ford. The motion carried at a vote of 4-0-1, with Mr. McManus abstaining.

B. Draft Budget/Warrant timeline—discussion

Mr. Ballantine explained that he wanted to put this on as a draft first, to have some discussion on it, and they will bring it back for a final discussion next meeting.

Mr. McManus said that he took their existing timeline that was mainly driven by the hallmark center in either the bylaws or the Charter for the timing of when things need to happen. He said he looked over last year and remembered them getting to certain points and thinking this is the deadline but it would have been great to see this before and putting times in their calendar for being able to see them, before they have to approve it. He said last year they did not get around to approving and setting goals until late September and that would be better to do the first month of the fiscal year. Also, they have not had on the agenda early on a discussion about what CPC articles they would like to sponsor. They should also look at warrant articles, specific projects or bylaw or charter revisions and have those discussions earlier on in the process. Mr. McManus said that it would be good to have departments present their capital requests, as they are preparing them, for review.

Mr. Ford said that anything that makes them more enlightened and to have a transparent process is a good thing. He also said getting things started earlier in the process, is very good.

Mr. Ballantine suggested that Mr. Ford comment on the work he has been doing. Mr. Ford said that he has spoken with Mr. Ballantine and Mr. Clark in regards to the form that they use for the performance management review for the Town Administrator. He said that he has taken a pass and still working on a new approach. They will distribute it to the Selectmen in the next few days,

for their review and comments. It is just a thought on a different process and the basis he has used is from his years in the corporate world, and using some of things he has learned, to help create a better process. He looks forward to receiving some input from everyone on it.

Mr. Howell said he wanted to put his two cents in, regarding the Charter types of things. He said that in the last few years, they have appeared to have asked the Charter Bylaw Review Committee to do things and then put them in a strange position of claiming that it was their articles. They are articles that they are asking them to help with. He said another thing that is not there, is that they need time to vet it for consistency for structure. There needs to something in there to give them sufficient time to do that.

Mr. Ballantine said that the Chair of the Bylaw Committee was there, and asked if she could comment on the schedule?

Ms. Sandra Hall, Chair, Bylaw Committee, said that it would be good to move schedules up as much as they could, because it did look pretty crunched this past year. They do need time, and she said that they are looking to do a top to bottom review of the charter, to look at the consistency with the bylaws and language etc. Ms. Hall agreed that it is good to have more time and she will look at the timeline to see if more deadlines should be added.

Mr. Howell also said that there is a difference between them wanting to sponsor an article and have the funding source being CPC, as oppose to the CPC having an article. He said that when the CPC submits them, they do not have any control over the warrant. He agrees with Mr. McManus they need to be more proactive.

Mr. Clark said that this past year, they asked the Department Heads to include on their capital forms, what they would be requesting from the CPC, so they could plan. They should be able to do that again this year, and include that as part of the capital process.

Mr. McManus said that his ultimate goal is to come to the point on February 14th, for the article deadline and warrant closes. He said that he always looks at the language in the Charter, and they should be in final form.

Mr. Ford asked about the timing of the articles, and Mr. MacAskill commented about the timeline for the goals. They all agree it is important to have a more effective Town Meeting.

Mr. Clark confirmed that the Board of Selectmen will have a meeting next week, on July 1st, but then no meeting on July 8th, and back on July 15th. Mr. Ballantine said that he will be away for the next meeting, but Mr. Ford will provide the form that he has been working on for review next week, and then they will put it on the agenda for July 15th.

Mr. MacAskill said that he does not know when this meeting happened that decided Mr. Ford would put this draft together, but each board member is going to have individual goal ideas. He asked if there were just going to go with a draft and then tear it apart that night?

Mr. Ballantine said it will be circulated ahead of time for comments, but he raises a good point about wanting an open discussion.

Mr. Ford said that his thought were to get everyone a copy of what the form would look like, with some suggested goals in there, but the goals are not set. The intent would be to contemplate if the structure, make sure it makes sense and ultimately come up with goals they all agree on.

Mr. MacAskill asked if this is coming up, because they are changing the form, and they want the form to reflect the actual goals and objective?

Mr. Ballantine said yes, and he wanted to make sure they agree on what the goals are and then create the form.

Mr. Howell said all of this is great and commendable, but he is concerned about the open meeting laws.

Mr. Ballantine said that everything will be sent through him, and no one will see the others comments.

Mr. MacAskill said that he is concerned about all the private conversations going on, and that this Board has not had any conversations about this process, at all. He said that this conversation about structure, should have been a conversation of the five of them, and done at the table. They need to be a five

member board, that votes as a five member board, and the work happens at the table.

Mr. Ballantine said that they had one meeting, and once they have the structure, they will be able to have a more fruitful discussion and everything will come out to the public.

OLD BUSINESS

A. Phase 2 Sewer—order of taking sewer drainage easements in private ways

Mr. Clark explained that this item is just for a technical correction. He said that when the Board voted last week on an order with a list of the private ways and they did not have the book and page numbers. The attorney recommended that they do an additional order, that specifically identifies the book and page number for each of the private ways. What was distributed in the packet is a clarification on the action that was taken last week and included the book and page numbers on the various private ways. So, they are looking for signatures on that action.

Mr. Howell said that he still believes that the underlying certification is faulty.

Mr. MacAskill asked if they were being asked to vote on something. Mr. Clark said yes, they are voting on the new document. The document they voted on last week did not include the page numbers. They need to vote on this new document, which more specifically identifies the private ways.

Mr. Howell explained that what he said was because some of the address cannot be private ways. He said that some of the addresses are on Route 137, for instance, which would not be a private way.

Mr. Clark said that there may be ones that the mailing address is on Route 137, but they also go down the private way, so they could have ownership interest on the private way.

Mr. MacAskill said that based on the line item, he is not sure what they are doing. They may need to either remove the action taken last week, or a new motion indicating what they are doing.

Mr. Clark said that he will look back through the list. However, the Town Attorney looked at the order of taking, which she prepared last week, and it just gave the listing, but did not clearly state the book and page. He said that this is a clarifying action, to make sure that the ownership of the private ways, is what they are taking.

Mr. MacAskill asked that a more accurate description should be included on the agenda. Mr. Howell said it also would have been helpful to get the legal counsel memo, to know exactly what she was expecting them to do. Mr. MacAskill added that the agenda process, and the Attorney General rules, are very simple. He said that there is nothing on the agenda to let the public know what they are doing.

Mr. Ballantine said that they could postpone this. Mr. Clark said that this needs to be done tonight.

Mr. McManus moved to approve the order of taking prepared in the agenda packet for meeting of June 24th, order of taking of private ways, specifying the book and page citations for those takings on private ways in the phase 2 area. Seconded by Mr. Ford. The motion carried at a vote of 3-2-0, with Mr. MacAskill and Mr. Howell against.

TOWN ADMINISTRATOR'S REPORT

Mr. Clark said that he has engaged in the process for the re-certification for his Procurement Officer status. He has completed a 2-day course and passed the exam. He said that he is halfway done, and he will be taking two additional classes in August. The first will be about prevailing wage, and the second is about real estate transactions.

Mr. Clark announced that the Affordable Housing Trust voted last week to give consideration to two parcels. They did go to Town Meeting, and had several parcels that were deemed to be transferred from the care and custody of the Board of Selectmen to the Trust. The first parcel is Oak Street, closer to the entrance of Cranberry Valley, and second was Sisson Road, next to the Harwich Junior Theater. He said that they engaged the Mass Housing Partnership, to help evaluate those two sites, for development purposes.

Mr. Howell said that they have been taking great pains not to create hostility amongst stakeholders. He said that in terms of the Sisson Road project, they are not talking about taking the one room school building that the junior theater is renting and doing something with that. They are doing something that will supplement that and look for some sort of historic feel. He said that they also spoke with the golf course that what they do will not affect them.

Mr. Clark also wanted to let people know that they have engaged the CDP to run some different programs for training. He wanted to encourage people that have an interest in helping with housing, to look into it. He said that some of the training they have done, has been really exceptional.

SELECTMEN'S REPORT

None presented.

ADJOURNMENT

Mr. MacAskill moved to adjourn at 7:32 pm, Seconded Mr. Howell seconded. All in favor, motion carried by unanimous vote.

Respectfully submitted,

Lisa Schwab
Board Secretary