

APPROVED

RELEASED

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, JULY 15, 2019
6:30 P.M.**

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

ALSO PARTICIPATING: Town Administrator Christopher Clark, Assistant Town Administrator Joseph Powers

CALL TO ORDER

Mr. Ballantine reopened the meeting at 6:45 pm, and called to order the Board of Selectmen. He explained he first called the meeting to order at 5:30 pm for Executive Session, to discuss the current status of numerous litigation issues in front of the Town. He said that they also discussed the union contract with the police. They will hold that for a few days to obtain more information, and will bring it back.

WEEKLY BRIEFING

Mr. Lincoln Hooper, DPW Director, said that he wanted to make them aware of a situation with MSW (Municipal Solid Waste), and the difficulties they are having getting rid of their solid waste; as is just about everyone in the Commonwealth of Massachusetts. They have been curtailed with how much waste they can deliver, therefore have needed to turn away commercial haulers. He explained that they are actively looking for a solution for this, but so is everyone in the State. The Commonwealth has a real bad problem and they had put a prohibition on any new incinerator capacity with their master plan 20 years ago, assuming landfills would be built. Unfortunately no landfills have been built and a lot are closing. Mr. Hooper said that they are doing what they can and their priority is to take care of the residents of Harwich and take what they can from the commercial haulers.

Mr. McManus said that not only is waste an issue, but the whole infrastructure is starting to fall apart state wide. He said that also, the recycling infrastructure has fallen apart and the State needs to step up in both of those areas. He said that they require us to be responsible for it, but they control what options we have.

Mr. Hooper said that is an excellent point. He said that they have waste ban items that they are forced to recycle. Those items, like plastic, they process and haul to New Bedford and pay \$200/ton to recycle. They are paying \$20/ton for cardboard, though they are getting about \$60/ton for newspapers and scrap iron has mitigated most of it and is still good. He said that they used to expect to net about \$150,000 per year, now they are down to about \$75,000 in recycling revenue. It is all chaos. Mr. MacAskill asked if they are only allowed to dump one place, or if there are other place that they can get contracts?

Mr. Hooper said they are doing just that and looking at splitting it. They have a five-year contract with New Bedford Waste, which is expiring this December 31st. He explained that they have been limited to one load per day, under his contract with Covanta SEMASS. SEMASS will not allow them to dump there under their contract, but they have not given them any capacity, since this started two months ago. Mr. Hooper said that the Town Administrator and himself visited with Mr. Dan Barrett who runs the Bourne Landfill and they have been gracious enough to give them five loads per week. He explained that he has been making calls and no one calls back. He has been in this business for 29 years and he has never seen it like this. He just wanted to make them aware and will keep the trash flowing to the best of their ability.

PUBLIC COMMENTS/ANNOUNCEMENTS

A. Ms. Carol Marie Anderson, 18 Tupelo Drive, Harwich, first thanked Mr. Clark for meeting with her on the untimely death of her father, under what she believed to be suspicious circumstances. She said that he had promised to meet in private, which they did, but he had promised to speak with the Chief of Police and Elder Services and he has not gotten back to her as he had promised he would. She said that she is now in danger of losing her mother to the same sibling circumstances, and would like an investigation and not be removed from her own residence, which happened a week ago. She said that she is fighting for her mom and she is not going away and not going to lose two parents unjustly, with the police knowledge.

Mr. Ballantine said he is sorry, but he is not sure this is a matter for the board to deal directly with. Ms. Anderson said that he said that last time, but Mr. Clark did not call her back.

Mr. Clark said it had been a while, but he does remember having a meeting and have consultation with Council on Aging and the Police Department, and everyone was aware of the situation. He does not recall a specific follow up that he was supposed to do, but the parties that needed to know, both police and elder affairs, both well knew about the situation.

Ms. Anderson told the Board that she has been wrongfully evicted and will be following up with Mr. Clark.

- B. Mr. Duncan Berry, 37 Route 28, West Harwich, said that he wanted to announce that on Sunday at 2:00 pm, they will be giving a lecture on the Captains of Captain's Row, at the Harwich Historical Society. He said that also, on the following Sunday, July 28th at 2:00 pm, he will be giving a walking tour of Captain's Row, starting at the Harwich Baptist Church.

Mr. MacAskill asked about posting it as a Town Meeting since if they have three board members attending, they should post it. Mr. Clark confirmed there would be three members attending and said he would post it.

- C. Mr. Howell said that this should also likely be posted because at least three of them will be attending the Cape Verdean 3rd Annual Festival. He said that the festival will be at Brooks Park on Saturday from 10:00 am to 6:00 pm.

- D. Mr. McManus commented how busy things were this weekend with the Kiwanis Club yard sale, the first of two Cranberry Festival Craft Fairs, and also at Baldwin Centennial Field, they had a little league tournament. Mr. McManus read from a note that he received from one of the folks involved with Monomoy Little League. It said that Monomoy Little League 12-year old's, coached by Mr. Jay Krystofolski and Mr. Mike Huse, have won the Monomoy Little League Championship for the past three years. They have put together an all-star team and continued with all of the accolades the team has received. This team has accomplished more than any other little league team and has put Harwich on the map. Mr. McManus said that this speaks well for the support of the community and the talented people that have been involved in running the Little League program in Town.

- E. Mr. Clark made the Board aware of an email that a resident received, which appeared to be from the Town of Harwich seeking a go-fund me page for a child that was ill. They do not sponsor any of that. The material was done in a fraudulent manner to make it look like it was a Town of Harwich effort. He

gives his well wishes for the child, but he wanted to make people aware that this is not a town sponsored activity.

CONSENT AGENDA

- A. Approve the recommendation of the Assistant Town Administrator regarding a Petition by Eversource Energy to install 10+ feet of cable/conduit under the public road in Bank Street to provide service to customer at 78 Bank Street.
- B. Approve the recommendation of the Assistant Town Administrator regarding a Petition by Eversource Energy to install one (1) new FO mid span Pole labeled 515/1.5 on the side of the public road in Mary Beth Lane, Harwich.
- C. Accept the resignation of Katherine Green as Real Estate and Open Space Committee representation to the Community Preservation Committee – effective 7/1/19.
- D. Accept the resignation of James Hartley from the Harwich Youth Counselor Advisory Board – effective 7/1/19

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

Mr. MacAskill said that he first wanted to publicly thank Ms. Katherine Green for the eight years that she was on the Real Estate and Open Space Committee. He said that she has done an outstanding job, and also commented that members of that committee are sad she is leaving, because of the great job she did. He also wanted to thank Mr. James Hartley for the impact he made at the school and outstanding job over his 16 years on the Harwich Youth Counselor Advisory Board.

Mr. Howell said that the way Ms. Green did her resignation, is the way it is supposed to be. He said that when you get appointed to a position it comes in front of a subcommittee, then in front of the Board of Selectmen and if it gets voted, it would then go to the Selectmen's office for a letter to go out. Then the person would get sworn in by the Town Clerk. Mr. Howell said likewise, when a person resigns, you have to resign to the last place you left. You resign to the Town Clerk in writing and it goes in the reverse order. He explained that it cannot be sent by email, they need a signature, and it needs to go to the right place.

All in favor, motion carried by unanimous vote.

E. Approve committee appointments per the request of the Interview Subcommittee as follows:

1. Noise Containment Committee
2. Cultural Council
3. Brooks Academy Museum Committee

Mr. Howell said that he requested this to be held to read separately, because the consent agenda no longer showed the list of names and the expiration dates. He said that it was in the packet, but it really needs to be on the agenda, because that is what is posted.

Mr. Howell moved to make the full appointments as follows:

1. Janet Cassidy to the Brooks Academy Museum Committee with term to expire 6/30/21
2. Frances Rich to the Harwich Port Noise Containment Committee with term to expire 12/31/20
3. Megan Yaps to the Harwich Port Noise Containment Committee with term to expire 12/31/20
4. Robert Cohn to the Harwich Port Noise Containment Committee with term to expire 12/31/20
5. Dinah Lane to the Harwich Cultural Council with term to expire 6/30/22
6. Walter Mason to the Harwich Port Noise Containment Committee with term to expire 12/31/20

Seconded by Mr. MacAskill.

Mr. Ballantine commented that they still have two spots open with the Harwich Port Noise Containment Committee. Mr. MacAskill confirmed, though they now have five members to enough for a quorum.

All in favor, motion carried by unanimous vote.

NEW BUSINESS

- A. FY 2020 Reserve Fund Transfer Request Labor Support for Office - \$10,000.00

Mr. Clark explained that they have long-time employee that has been out on medical leave, and the other primary secretary, Ms. Sandy Robinson, will be retiring in August. He thought that it would make sense to bring in some relief, and said that they have Ms. Patti Macura ready to replace Ms. Robinson. Mr. Clark said the he also learned that the other individual may need to extend the medical leave.

Mr. Clark said that he went in front of the Finance Committee and they did approve the reserve fund transfer. He wanted to be sure the Board of Selectmen was comfortable. This would bring someone in on a part-time basis for approximately 90-days, to help out with the meeting minutes and help with office coverage.

Mr. MacAskill said that he appreciates this and he is glad that Mr. Clark went to the Finance Committee first. However, he said that they have not received a plan. He understands that the employee has been on medical leave for nine months and they do need to do what they can for that person. He said that it would be good to update the Chairman, and have an idea of a plan for what they are doing.

Mr. Ballantine asked if this potential hire would be helping with the Finance Committee minutes, as well as, the Board of Selectmen minutes.

Mr. Clark explained that they were able to find someone on a temporary basis to cover the Finance Committee. It is a temporary appointment for up to 90-days and funded from the Finance Committee secretary pool. Mr. Clark said that he had received a request from the Chair of the Finance Committee, in regards to Mr. Dana DeCosta, who had been suggested to fill the position more permanently. He explained that because Mr. DeCosta works for the Town already, it would not just be an appointment of the Town Administrator, but would also be an ethics requirement and would need a declaration of a special municipal employee. That would take Board action. He said that the Board had not acted on that, therefore, he is looking for the Board's direction as to whether Mr. DeCosta's name should be brought back for a more permanent position, and mentioned it would need the same language on the designation that they did last time.

Mr. Ballantine said that their resolve last time they discussed this was to go back and present what their options were to clarify the process regarding Mr. DeCosta. He would like to look at this position in line with the one they just voted on tonight to see how they line up. He said they have two temporary positions and they do need to look at how they are going to move forward for the long term.

Mr. Clark said that the Finance Committee needs someone to do the minutes and the person they brought in will only be available for two months. He

said that Mr. DeCosta is a long term resident and if he is interested in doing the minutes, they should bring this back.

Mr. Ballantine said that he would like to clarify things and he thinks a temporary person for the Finance Committee will present a problem. It takes time to learn the activities and take proper minutes.

Mr. MacAskill asked about how long the Finance Committee meets this time of year. Mr. Clark confirmed once per month.

Mr. MacAskill said in regards to Mr. DeCosta, he has not been able to find the job posting for the position that he took at the dump. Also, it seems that his hours exceed 40-hours per week. He said that based on the hours that would be required as the Board Secretary for the Finance Committee, they would be required to pay him time and a half. He has a lot more questions and would like to see more information on the plan.

Mr. Howell said going back to the reserve fund request, he wanted to clarify to what extent the temporary position will be filling the role of the person on leave. That person was given a stipend position to supervise other employees and he does not feel a temporary employee should be in a supervisory role to full time employees.

Mr. Clark said that the temporary employee would not be, they have the position as being just a clerical position and it is not being filled in kind.

Mr. Ballantine asked about making a motion. Mr. MacAskill said that if they approve the motion then they are approving the request and he thinks they have asked for more information, so he will not vote positive on this.

Mr. McManus said that come August 1, 2019, the office will need some additional assistance or they will go under. He moved to approve the \$10,000.00 request to transfer reserve funds for the purpose of a part-time employee. Seconded by Mr. Howell.

Mr. MacAskill said he wanted to add a comment to what Mr. McManus said about the office going under. He said they have been operating for nine months and for probably six months without an Assistant Town Administrator and have been fine. He does not think they will go under.

Mr. Clark said the reason they were able to survive nine months is because they were not taking vacation time, in order to keep everything moving with the short staff. However, it was not convenient or a good way to operate. He said also to note with Ms. Robinson retiring, they have nineteen years going

out the door, and being replaced by someone with less than one year. It will be a challenge.

The motion carried by a vote of 4-1-0, with Mr. MacAskill voting against.

B. Review – Draft Performance Review Town Administrator

Mr. Ballantine thanked Mr. Ford for putting together the format they looked at a couple of weeks ago. He said that the goals they have been discussing have remained pretty consistent throughout the years. He said that the chore they have is how to put in measures and accountability, as they move forward. He read some of the thoughts he had, 1. What can they do to strengthen accountability measures in areas where the Town Administrator has received the most negative comments. He said that in the past they have ignored some of those comments. 2. He wants to be sure they strengthen management activities, including delegation and communication. 3. They need to strengthen budget transparency. 4. He wants to be sure that the objectives improve the Town Administrator's support of the Board of Selectmen. They need to know their budget schedule and requires that items brought before the board come with everything needed for them to make a decision. He said that they should concentrate on six major goals going forward. He thinks they can easily use these to transition to the performance review, using a guideline that Mr. Howell provided, from a neighboring town. He said that what he has given them is a document and asked them to review and get back to him with additional comments.

Mr. Ford said that they can actually construct a document in such a way that each of them can go in and add comments in a bubble, that can be tracked by the Chairman.

Mr. Ballantine expressed his concern that there is more arguing in these meetings, than is good for the town. He would rather see everyone moving forward together. Also, he said the other interest to be an accountable Board is to be sure that items are brought to them fully, on time, and they can discuss issues without getting into any personality issues. They need to make decisions that are transparent to the people in town. He would like them to look at the goals more than annually. He would suggest quarterly, to ensure they are on the right path. He asked what the Board would like to do, if he

would like to read the goals, or if they would like to review, and they can finalize it in two weeks.

Mr. Howell said that he is not going to quite answer Mr. Ballantine's question. However, there are at least three things that he would like to have a discussion on, before they go anywhere. First, he said that they seem to be measuring something that the Town has not approved, and it is really mistitled in this iteration. He said that it is really the overseeing of the Comprehensive Waste Management Plan. He said that DHY has yet to see the light of day at Town Meeting for approval. He fails to see how the Town Administrator can be rated on something that maybe the people in the Town do not want to engage in. They have been on different sides of the fence, but he would not penalize the Town Administrator for disagreements.

Mr. Ford said that the purpose of this, is to have those types of comments given to Mr. Ballantine. Then they can create the goals in a way that reflects what the Selectmen want. He said that the objective is to take the document, make those comments, and then we can come to a final. The document is just a list for a starting point. Mr. Ballantine agreed that this is a starting point for a discussion.

Mr. Howell said the other two are more universal thoughts. He thinks it should explicitly state that anything other than a three would need to be justified by text. He thinks it should be made crystal clear. He thinks they can have as many goals as they want, but there should be some factors that indicate that not everything is equal.

Mr. Ford said the intent would be to create a greater percentage weighting. The objective is to provide a clearer path to a final rating. There are core competency here as well, that are very important, and also needs to include a written dialogue as well. He also agreed with Mr. Ballantine, that doing something quarter would be beneficial.

Mr. MacAskill thanked Mr. Ballantine and Mr. Ford for putting this together. However, he said he was not sure how they will ever be able to agree on this, without it constantly extending. He said on the first goal, they are putting a goal in there to stay within the limits to Proposition 2 ½. He thinks it is a much broader topic then just putting a goal in there, that is Charter required. He thinks the goal should be a level budget. Mr. MacAskill said he will send his comments. He said that he has been doing

this for four years, and they have not come close to their goals and objectives yet.

Mr. Ballantine said that he brought up the item that that they will debate the most about. He said that he would appreciate them sending their goals in the next couple of days. He said the only thing he is doing differently, then in the past, is including more management goals, and more Board of Selectmen support goals.

C. Potential Ratification Vote of The Harwich Police Federation Massachusetts Coalition of Police Local #446 – July 1, 2019 through June 30, 2022

Mr. Ballantine explained that this item was tabled because they are waiting on some necessary information. The Board will hold a special posted public meeting to address this issue.

D. Potential Ratification Vote - Sullivan Dog Appeal – Settlement

Mr. Ballantine said that this was voted on in Executive Session.

E. Potential Ratification Vote - Abate Dog Order - Settlement

Mr. Ballantine said that this was voted on in Executive Session. Mr. Clark said that was not needed, from the Council discussion. Mr. Ballantine confirmed this topic was not moved on, at this time.

OLD BUSINESS

A. Lower County Road Discussion

Mr. Clark said that he was going to turn this over to Mr. Griffin Ryder, Town Engineer, to provide the initial overview.

Mr. Ballantine said he appreciates Mr. Ryder and Mr. Hooper working on this. He said that this was a detailed discussion at Town Meeting within the Board, and he wanted to be sure they understood everything going forward.

Mr. MacAskill said he wanted to recognize that the Water Commissioners were there. He said that when they discussed this two weeks ago, there was a number in the packet, that the Water Commissioners were asked to provide,

and it turned out they were never spoken to about it. So, he would just like it noted that they are there.

Mr. Ryder explained that Mr. Hooper had been before them on June 17th, and at the outset of that meeting, they were asked to come back with secondary recommendations for the road. He said that he met last week with Mr. Clark, Mr. Hooper, Mr. Chris Nickerson, Harwich DPW, Mr. Dan Pelletier, Water Department Superintendent, and Tom Ockerbloom, the Town's Engineering Consultant. He said that they met to discuss what their options might be to by time, since the work for Lower County Road was voted down, for the full \$5 million reconstruction. Mr. Ryder explained that if they do nothing, the road will continue to degrade and create negative consequences. From an engineering standpoint, he said that the recommendation would be to do what was voted down.

Mr. Ryder said that the secondary recommendation would be a \$350,000 job. This would entail going in and doing some permanent patching, drainage improvements to Allen Harbor, Wequassett Road and Brooks Road, crack sealing and then chipseal and surface treatment in the Spring. He explained the importance of completing crack sealing prior to the winter, in order to prevent major damage from freezing water infiltration during a season when asphalt plants are closed. This secondary plan, would buy the Town an additional five to seven years of roadway life. He said the reason this option had not been done as of yet, is because of the impacts to property that would happen.

Mr. MacAskill said that he appreciated the detailed memo, and his only question is about the mention of a reduced ride quality. He said that a similar project was just done in Brewster, and he did not notice any difference, and does not think an average person would notice the difference. He thinks that for \$350,000, for an additional five to seven years, sounds reasonable to him.

Mr. Ryder said that is a good parallel, and explained that it is at the end of Freeman's Way on Route 39, if someone wanted to see it.

Mr. Ballantine asked if the chipseal they used in Brewster, is different than what they have previously used in Harwich.

Mr. Hooper said that the Town of Brewster used a 20% chipseal, and they usually use a 10% chipseal rubber content. He also explained that the 20% does give a better ride, and he added that those roads were in exponentially better shape than Lower County Road is now. He said that it was a beautiful chip job and it seals the road and keeps the water from getting in and gives you a new wear surface.

Mr. MacAskill asked about the 20%, and that it sounded like that would be something worth pursuing for Lower County. Mr. Hooper agreed, and said that they would use the 20% for Lower County.

Mr. Howell said that it seems like a case of don't count your chickens until they are hatched. The roadwork that was done by the Water Department, and the Water Department should have been accountable for putting the road back to the condition it was. He said he assumes there was some thought of, don't worry about it because the road was going to be replaced. However, that thought, should not have happened before a vote. He said that people should plan on what they should do, and he fails to see how they can go back after the fact. Mr. Howell warned, that they should follow the regular procedure for any utilities excavation and repair, and if something better happens that would short circuit that, and that would be fine.

Mr. Hooper said, that was a lesson learned. He said that was on him, and he let them off the hook. Though he does not believe that the Water Department would have been there, absent of this project, and they did great upgrades. He explained that typically the utilities come in and do their work, and then they pave. Once they do that they put a five-year moratorium, once paving is done, so they do not have to dig up a new road.

Mr. Hooper said he also wanted to address another thing. He said that the number for the patching, which was solely a patch number attributed to patches they needed to do, and patches for the water job. He said that he was in no way representing the commissioners agreeing with that. He said that he had spoken with Mr. Dan Pelletier, Water Department Superintendent, who had been very clear that he did not speak, or have the authority to speak, for the Water Commissioners.

Mr. Allin Thompson, Board of Water Commissioners, said he was there with fellow board members Mr. Gary Carreiro and Ms. Judith Underwood and Mr. Pelletier. He said that he would like to provide an overview for

where they are, on this Lower County Road project. Mr. Thompson said that they do not go cutting any roads, because they cannot afford to pave them. The department is old and they have a lot of things that need to be updated. He provided a recap, and said that the project was bid with temporary and final paving specifications. The initial temporary patch was spec'd at three inches of asphalt, placed in one lift. He further explained the permanent paving specifications and the trench paving was debated heavily through the contracting process. He said that from conversations between the resident engineer and DPW, the decision was made to eliminate the final paving from the contract. He said that they revised the temporary patch specifications to include four inch thick temporary patch placed in two two-inch levels. Due to the increase in change of materials and labor a change order was issued in the amount of \$48,750, subsequently the contractor provided a credit to the town in the amount of \$87,500 to remove the final paving from the contract. The final amount after the change order and the credit, was \$102,250.

Mr. Thompson said that at their July 9th meeting, the Board of Water Commissioners discussed how much they would be willing to contribute to rectify the Lower County Road paving. He said that there is currently, \$71,289.58 remaining in the 2018 annual town meeting appropriation, so they would contribute the \$38,750 toward fixing Lower County road, the remaining balance would be returned to their retained earnings, for their future expenses.

Mr. Ballantine confirmed that they were offering \$38,750 toward the \$350,000 project.

Mr. McManus confirmed that this would mean spending at least as much as in the original project proposal in five to seven years. He also noted that the secondary project proposed, does not include ADA improvements to the sidewalk.

Mr. Griffin said that was correct, the secondary project does not include any improvements for accessibility, which was around \$1 million by itself. Mr. Clark stated that this was minimal work, therefore the State would not require it to be brought up to ADA standards, at this time.

Mr. Howell said it does contemplate three of the flooding locations, Allen Harbor, Wequassett Road and Brooks Road. He confirmed that this is going to address the problems that occur there when it rains.

Mr. Ballantine and Mr. MacAskill said they are basically postponing the work for up to seven years.

Mr. Ballantine asked about exploring TIP funding, to get a waiver.

Mr. Ryder said his concern is that the property impacts will be too impactful for people. Mr. Hooper explained the situation when they were dealing with Route 124 and said that at that time they had design exceptions and those are not easy to get these days. He said that they would need three feet, and people do not want to give up their property. They would need easements from every property on that road. He would not recommend it because he does not believe it would be well received.

Mr. Ballantine asked what actions were needed and Mr. Clark said they do not need a vote, but would be looking for a consensus. The Board agreed and provided their consensus.

Mr. MacAskill repeated that it is his hope, that if there are any suggestions or plans regarding money that is controlled by the Water Commissioner, that it is discussed with them before bringing it in front of the Board of Selectmen.

Mr. Hooper said he just wanted to mention that based on perception from the vote at Town Meeting, it may seem that they are doing work that the voters said no to, when they chipseal the road.

B. Vote to approve the Budget/Warrant Time Line FY2020

Mr. Howell said, in general he is fine with this, but it is still missing the specific date, either February 1st or February 8th, to go through the budgets of the departments. He explained that it is hard to vote on a final budget without hearing from the departments and what it is that they are pitching.

Mr. Clark said they have it scheduled for February 15th, and it is being presented to the Board on February 3rd. Mr. Howell said that is later then it should be; he would like it to be February 1st or 8th. He said that they are

advocating what they are submitting, not what the budget says. Therefore, it can happen prior to the presentation to the Board.

Mr. Ballantine said that he thinks they are discussing apples and oranges, and confirmed that the Department Heads can come in, and present their wishes, before they do the budget. He said it is informational, in preparation of the budget.

Mr. Howell said that it would be good and explained, that the Department Heads could come in and pitch something that they would want to see funded, that they may not otherwise know about until later.

Mr. McManus asked about when Mr. Howell wanted the Department Heads to come in, and do their presentations to the Board of Selectmen and the Finance Committee? He asked if he wanted it before the Town Administrator presented the budget, or after?

Mr. Howell said that Mr. Ballantine was right, this is apples and oranges. He said that one of them has to do with the budget that the Town Administrator is suggesting to the Board of Selectmen, and the other one is for the purposes of the Department Heads to come in and pitch their priorities individually. He said that they may decide to make one of those items as a priority and the Town Administrator may not have it reflected in his budget. That should be earlier, so we can have that discussion because it is not the same thought.

Mr. Clark said that he would really encourage that if they wanted to meet on the 8th, that would make sense, but going before would not. He said typically they make almost a \$1 million worth of deductions. If it gets added to a budget, before it gets reduced by Administration, he was not sure how will he would get to 3%. He does not understand the rationale. He said he does talk to Department Heads and encourages them to express what their needs are.

Mr. Howell said the point is, that the budget that goes to Town Meeting, is not the Town Administrator's budget; it is the Board of Selectmen's budget. He said that there are two separate moving pieces to this, they could say that the departments are getting too much, but ultimately, it would allow them to have this discussion.

Mr. MacAskill said that he hopes that Mr. Clark is not assuming that he will have 3%, and to Mr. Howell's point, the more meetings and the earlier they

start the better. He said that people want to know what is going on, before they vote the budget.

Mr. Ballantine does not see what influence it would have on the budget message. Mr. Clark said that he is just reading the charter, which says that the Town Administrator puts together the budget, and presents it to the Board of Selectmen, no later than the 2nd Tuesday in February.

Mr. MacAskill said that he would have to vote no, if the language listed under March 2nd, which states; "No new information or changes will be added to the warrant after this date". Mr. MacAskill said that the Warrant does not go to the printer until April 1st, and the legal opinion states that it is their warrant, and they can change it up until it goes to print.

Mr. Ballantine said they can fine tune that, to have some flexibility. Mr. MacAskill said that he thinks they should take it out.

Mr. McManus said that they need to present the articles to the Finance committee, on February 17th. He said that they would need to present it to them, and they will need to get to a point where things are final, so they know what they are acting on.

Mr. Ballantine asked to get the opinion of the Finance Committee, regarding changing warrant articles after voting.

Mr. Jack Brown, Chairman, Finance Committee, said they can go back and vote on items, but it does not make them happy. He said that the Finance Committee has been handed a timeline, that has been approximately a month tighter, then it was a few years ago. That is hard to handle some times.

Mr. MacAskill said that typically they have had small changes, that are handled with a reconciliation meeting prior to Town Meeting. He thinks if they have any drastic changes, they would be able to have a joint meeting, or discussion. He said that in the four years he has been there, none of the issues Mr. McManus discussed has happened.

Mr. McManus said this is about being transparent. They can make changes, but it does not give the greatest reassurance that they are being transparent, if they are waiting till the last minute to make changes.

Mr. Howell said that there are warrant articles that come from various places and that there are often things that they have not been privy too. He said that the Charter was not talking in terms of the Board of Selectmen governance over its own warrant. He said that there is Massachusetts general law that covers that. They will not have an entire warrant full of place holders, but to say that they cannot have changes after a certain date, that would not be possible.

Mr. MacAskill does not feel that anything needs to be in there, because this is about their timeline. Mr. McManus said he has read the attorney's opinion, but the Charter was enacted as a home rule petition, and as such, it overrules general laws in places of conflict. He said that has always been his position. Mr. Howell commented that has not been the position in any of his previous roles, and again said it is their warrant.

Mr. MacAskill moved to approve the budget/warrant timeline, striking the "no new information or changes will be added to the warrant after this date" under the Monday, March 2, 2020 date, and that the addition of February 8th, which is the Department Head's presentations to the Board of Selectmen joint meeting be added. Seconded by Mr. Howell.

Mr. Ballantine confirmed with Mr. Clark that he was comfortable with moving the meeting to February 8th, which was agreed. Mr. McManus clarified that the motion presented would move the Selectmen and Finance Committee Budget Presentations from February 15th to February 8th, with a snow date being the following Saturday.

All in favor, motion carried by unanimous vote.

TOWN ADMINISTRATOR'S REPORTS

A. Public Health Advisory

1. Mill Pond, Harwich & Brewster – Fish Contaminated with Mercury
2. White Pond, Dennis & Harwich – Fish Contaminated with Mercury

Mr. Clark explained that they have had a flurry of activity with different ponds in town. He said that he has been told that these two ponds, listed above are not easily accessible to the general public and are a little bit isolated. The Department of Public Health submitted an advisory to Ms. Meggan Eldredge, Health Director, regarding their findings of high mercury levels. It was

recommended that people not take any fish or consume large-mouth bass, it should just be catch and release. Also, people should limit the consumption of large-mouth bass to two meals per month.

Mr. Clark said that they received word today that Hinckley's Pond which had a high bacteria level, has now received two reports that the bacterial levels came in below and the advisory is now off.

B. Draft Non-Resident Taxpayers Public Meeting Notice

Mr. Clark said that he also included in the packet, the draft of the non-resident tax payer meeting. He wanted to inform folks that they had the add-in, he did not get any additional feedback of any concern, so he did not make any adjustments.

For residents that may be interested, the Annual Non-Resident Taxpayers Meeting will be on Monday, August 12, 2019, during the regular Board of Selectmen Meeting, so it will be no earlier than 6:30 P.M. He said that the topics will be as follows:

1. Fire Station #2—update on construction
2. Report of the Harbormaster regarding Saquatucket Harbor
3. Report by the Recreation Director in regard to beaches
4. Report of the DPW Director regarding beach trash and roadway
5. Council on Aging, Emily Mitchell, Council on Aging Director
6. Channel 18—overview of how to view these meetings
7. Wastewater issues, Charlie Sumner
8. Financial Position of the Town, Carol Coppola

Mr. Ballantine said that he would encourage Town residents to attend.

SELECTMEN'S REPORT

A. Committee Vacancy List Review

Mr. MacAskill read through the following list of most up to date vacancies.

1. Agricultural Commission: 3 full, 1 alternate (currently they do not have quorum)
2. Bikeways Committee: 2 full
3. Board of Appeals: 1 alternate
4. Building Code Board of Appeals: 5 full (inactive)

5. Cemetery Commission: 1 full
6. Community Preservation Committee: 1 Selectmen Appointee
7. Cultural Council: 4 full
8. Force Committee: 2 full
9. Harwich Accessibility Rights Committee: 1 full
10. Harwich Center Initiative Committee: 2 full, 2 alternates
11. Harwich Energy Committee: 2 full
12. Historic District Historic Commission: 2 alternates
13. Ad Hoc Noise Containment Committee: 2 full (determined earlier in this meeting)
14. Planning Board: 1 full, 2 alternates
15. Traffic Safety: 1 full
16. Treasure Chest Committee: 1 full
17. Voter Information Committee: 1 full
18. Wastewater Support Committee: 3 full
19. Youth Services: 2 full
20. Parking Committee: 1 full (business)

Mr. MacAskill said that Committee Vacancy Forms are available in the Town Administrator's office, or can be found online. They encourage people to come in and fill them out, and forms will be kept on file, even if there is not a vacancy currently open.

Mr. McManus said that the Building Code Board of Appeals is a committee that is provided for when they adopt building codes, and it is a body that is supposed to act on when a builder comes in and wants to appeal a decision by the building official. He said that the last time it was actively used in the country, was when folks were building geodesic domes. He said it has been rarely enacted. He also asked about the previous Recycling Committee, and said considering the problems they have been having with recycling issues, it might be a time to find some people who may want to work on that.

Mr. Howell explained that the Recycling Committee was originally formed to encourage recycling, which is no longer the problem. We have a high recycle rate in this town, and Mr. Hooper had actually asked for it to go dormant. He also said that he is trying to see if they can get someone who is not already on a designated committee, that has ad hoc members, for the position with the Community Preservation Committee.

- B. Mr. Ford said that he just wanted to share some rave reviews that he heard, from some people visiting, about the music at the Cultural Center.
- C. Mr. MacAskill said he had two things he would like to follow up on. First, they had a meeting where Mr. Hooper had proposed a Treasure Chest sticker,

and they had agreed to table that and bring it back with more information. He said that it was brought up, that they may have hired an employee, and he would like to know if they have hired a someone to work there part time.

Mr. Clark said no, but they are looking for seasonal labor to oversee the treasure chest, and that will be funded in accordance with the seasonal labor funding they have available.

Mr. MacAskill said he thinks that should come back in front of the Board, because when it was discussed, the Board was pretty divided. Mr. Ballantine agreed and said they will bring it back.

Mr. MacAskill said he would also like to see what the Town's regulations are on the yard signs. He said that they are enforcing it for businesses in Town, but the intersections in Town, seem to be full of Town signs. He would like to see the regulations and if they are enforcing it.

D. Mr. McManus thanked Mr. Ford for mentioning the comments about the performer. He said that the performer was a guy by the name of Don Fleming, and he provided some background on him. He also said that this week, on Thursday, there will be a group called Low Lily. Mr. McManus also asked if someone could provide a brief report on the steps and requirements on a town doing a DCPC nomination. Mr. Clark said he would have the Town Planner do that.

E. Mr. Howell said first, he was asked by Ms. Jannell Brown, to share a message about that she is still looking for an answer for a complaint she had made on Monday about a seasonal employee.

Also, Mr. Howell said that he would like to have an agenda discussion about what the problem is that they are trying to solve, before they talk about the policy for issuing beach stickers. What are they trying to accomplish and what is reasonable.

Mr. MacAskill said that the Recreation Department is looking into that as well. Mr. Ballantine said that he will follow up with the Recreation Department

F. Mr. Ballantine requested to add to the next agenda a discussion about training new committee members. He said they do a good job in training on open meeting law, but the only other training they get is through mentoring. He

thinks that it would be good to train on items like, Board of Health issues and Planning issues.

Mr. MacAskill said that they have brought in KP Law, and said that they also have Mr. Joseph Powers, Assistant Town Administrator, who may be able to help.

Mr. Howell said that they have had this discussion, and he thinks they should take a stab through the appointments committee to draft something. They are administering various statutes and it is not unreasonable, that they be required to do a certain number of hours, relevant to the statute they are administering.

They all agreed to move forward on this formally.

ADJOURNMENT

Mr. MacAskill moved that they adjourn at 8:12 pm. Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

Respectfully submitted,

Lisa Schwab
Board Secretary