

APPROVED

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
Monday, October 7, 2019
6:30 P.M.**

RELEASED

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

ALSO PARTICIPATING: Assistant Town Administrator Joseph Powers.

Mr. Ballantine opened the meeting at 6:30 pm.

WEEKLY BRIEFING

**A. Sewerage Work Improvement Phase 2 – Contract #1 – Construction
Schedule – Weekly Update**

Mr. Powers provided the Sewer work update that was submitted to Administration on October 2nd. The one week look ahead, for this week of 10/7 - 10/11, the mainline sewer crew # 1 will continue installation on Johanna's Path and also begin installation on RT 39, the middle to end of the week is tentative start on that. It will require detours. The mainline sewer crew # 2 will continue installation on RT137, which will also necessitate detours.

The two week look ahead for 10/15-10/18, no work will be happening on Monday, 10/14, because it is a state holiday. The mainline sewer crew # 1 will continue installation on RT 39, with detours. The mainline sewer crew # 2 will continue installation on RT137, which required detours. The three week look ahead for 10/21-10/25, the mainline sewer crew # 1 will continue installation on RT 39 and mainline sewer crew # 2 will continue installation on RT137. Again, both requiring detours.

With this update, they did provide us with some detailed information showing some of the mapping areas and level of detail they are going through as the project progresses through October 1st of 2019, which is the second page. Both are posted to the website.

Mr. Howell commented, that perhaps they could add to the agenda for when the Town Administrator is able to attend a meeting, why the pipe down Rte. 137 seems to be taking a left turn, then a right turn. He is just curious and has had others asking about it.

PUBLIC COMMENTS/ANNOUNCEMENTS

- A. Elizabeth Harder, the Harwich delegate to the Barnstable County Regional Government Assembly of Delegates.

Ms. Harder thanked the Board for being allowed to speak since this came up after the agenda was set. She would be happy to come back next week, when she can be put on the agenda.

She wanted to let people know that at the last assembly meeting they have been working on the charter review and one of the ideas that came up is to get rid of the three county commissioners and make a bicameral county government, keep the assembly of delegates and make it a strong county administrator with a deputy administrator. This is just an idea, but three commissioners makes it very difficult to get things done. They are having public hearing next Wednesday, the 16th at 4:30 which is in the East wing conference center of the back of the Barnstable County Complex. If anyone has comments they can be shared at the meeting or can be emailed to Ms. Harder at Elizabeth.Harder@BarnstableCounty.org.

Mr. Howell questioned if this was adopted would we still be talking about a weighted vote? Ms. Harder replied that it still has to go through so much to get through a vote on this, but if it is decided to get rid of the commissioners, we would change the weighted vote.

- B. Ms. Carey wanted to announce that on Friday, Oct 18 is the boutique to collect gently used costumes. Last year they had well over 125 given out to members of the community. It is a free event, from 5-8pm.
- C. Mr. Hooper, commented that after reading Mr. Galvin's article on solid waste, he was reminded that the Board had an expectation to talk about it this evening. Mr. Hooper wanted to be clear that they are waiting for Mr. Camara with ABC Waste to generate a contract to review and discuss.

- D. Mr. McManus followed up on his report about the Cranberry Festival and the desperate need for volunteers. The next meeting of the festival committee will be Wednesday, October 30th at 6:30pm at the Community Center. If you have an interest in helping, please show up.

NEW BUSINESS

A. Annual Meetings with the Board:

1. Capital Outlay Committee

Mr. Rich Larios, Chairman of the Capital Outlay Committee, began by thanking the members of the committee, pointing out those in attendance. He also mentioned the new committee member, Noreen Donahue who filled the vacancy left by Chris Harlow.

Mr. Larios also thanked the Town Administrator, the Finance Director, Carol Coppola and Charleen Greenhalgh, for their support and efforts to help the committee in the understanding of municipal finance and accounting during these difficult fiscal times.

Mr. Larios reviewed the process of the plan to help people better understand. He explained that the Finance Director puts out the capital expenditure request forms, which go out in August to the departments and committee's that may or may not have request for capital expenditures. The input forms are for 2021 through 2027. The new plan will be delivered by the Town Administrator by December to the Board of Selectmen. It is currently in a working stage. They had four or five departments come in last week. The 15th will be the last meeting and they will have the majority of the departments coming in. The plan considers more than expenditures, it also considers debt service and as an FYI, the debt service right now for 2021 is about \$7 million dollars. You will have the plan by January and the plan will be flexible. The plan itself is the end product.

The Committee meets monthly or at an ad-hoc need. They want to stay informed and ahead of what may be coming. They want to keep the expenditures level and that is dependent on what the Board of Selectmen

decides. Mr. Larios also brought up that about 2 years ago, they had identified assets that might be able to sold-off and the values to go for a better use.

We have some large expenditures coming up and work with the requesters and tax payers to preserve the financial integrity of the Town of Harwich.

Mr. Ballantine commented that he really likes number six on the report, to keep the plan curve smooth, basically level off the debt services going forward. This gives the committee really valuable input into the waste water planning. Our CWMP is arbitrarily based on 5-year phases. We can control when we phase that in to keep debt serves as level as we can. Mr. Larios commented that Ms. Coppola has done an extensive report, which is really valuable.

Mr. Howell said he wanted to make sure they all communicated. He explained that the DHY possibility that they are going to take up at town meeting and asked how involved the committee is. Mr. Larios said they were not involved. Mr. Howell continued that 75% of the cost is the town's cost, not shared cost. CWMP is going to bring it in earlier years and then the paving of the road, before they tear up the road up and put it back, needs to have numbers behind it. Mr. Larios said it should be generated as a request if it is going to be part of the capital plan. This seems to be one of the large amounts that have not been identified yet.

Mr. MacAskill shard his thanks for their work and also mentioned the \$8 million dollar oops in East Harwich, which should also be part of the plan as well. Perhaps the Town Administrator can be tasked with giving them those actual numbers.

2. Historic District and Historical Commission

Mary Maslowski, Chairperson of the Historic District and Historical Commission was present to provide the report. She explained that in 2019, the Historic District and Historical Commission continued its role in preserving and protecting the historically designated properties in the town of Harwich. The numbers is 2019 were up and the busiest since she joined the commission in 2016. They heard a total of 33 applications; 24 were historic district certificates, eight were certificates of appropriateness and one was

withdrawn without prejudice. They also heard 24 notices of intent for demolition, granted 19 applications, imposed two demo delays and three were withdrawn. One of the highlights of the commission was the issuance of the certificate of appropriateness for the 7/11 on Main Street in Harwich Center. The new building, new business and new residences being added to the historic Harwich Center will revitalize the old Meserve gas station. Additionally, the commission did impose a 12 month demo delay at 52 route 28, part of what is known as Captain's Row. More recently the commission was happy to support the BOS efforts in the application to the Cape Cod Commission's critical planning concern in west Harwich. They look forward providing any support as that process moves forward next year.

In addition to conducting regularly monthly business, the commission also continues to implement the 100-year inventory list and they have applied for a 2020 Community Preservation Act funding to do further investigation and fully predict the vital assets for the town. This is the first time they have full complement of seven members and one alternate. It is important to keep membership up to keep a quorum and keep meetings timely. They do have four associate member vacancies if anyone is interested. To apply you need to fill out a citizen activity form and drop it off to the Selectmen's office.

They added three new members, Brendan Lowney and Julia Eldredge, as full members and Angelo as an associate member. They have four vacancies for associates. They meet the third Wednesday of every month at 6pm and all are invited to attend. Agendas are fully published.

Mr. Ballantine confirmed that the citizen forms can be found in the Administrator's office, online and in the clerk's office. He also wanted to know if the historic inventory list was moving to Ms. Maslowski's satisfaction.

Ms. Maslowski explained that they had one round of funding that was rescinded, so this round of funding is their attempt to get the funding to dive back into it. They will look to get onto the Fall procurement agenda if it passes town meeting. Bob Doane has been working on it.

3. Planning Board

Mr. Joe McParland, Chairman of the Planning Board, announced that 2019 has been business year in the past 10 years. As of September 25, 2019, there has been the same number of applications, as received in all of 2018. He would like to thank Charleen Greenhalgh, Town Planner, Elaine Banta, Planning Assistant and Katie Tenaglia, for their invaluable work for the Board.

The board saw the departure of Jim Joyce this summer and welcomed their newest members Bill Stoltz and Duncan Berry. They still two vacancies of alternate members. As of September 24th the board has held 18 meetings, 2 cases carried over from 2018 and 37 applications this year. The Board took the following actions;

- They endorsed 2 Approval Not Required Plans
- They approved 4 Definitive Subdivision Plans, with 3 pending
- They approved 3 Preliminary Subdivision Plans
- They approved 8 Use Special Permits
- They reviewed 10 Site Plan Special Permits & Use Special Permits, of those 6 were approved, 2 were withdrawn and 2 are pending
- They reviewed 4 Site Plans, of those 2 approved, 1 pending and 1 withdrawn
- They reviewed 4 Waiver of Site Plans, of these 2 approved and 2 withdrawn

The approved divisions of land have created 4 new building lots. The Board also sponsored four (4) zoning amendments, including: 1. Accessory Apartments by-right, 2. Free-Standing Portable Signs, 3. Building Height within a Flood Zone for existing structures and 4. Relief for retaining walls as they pertain to septic systems.

All of the zoning amendments were approved by Town Meeting and the Attorney General. As a result of a controversial case in West Harwich, the Board was asked by the Board of Selectmen to discuss and review the possibility of a District of Critical Planning Concern (DCPC) nomination for the Route 28 corridor, known as Captain's Row. The Board reviewed a draft prepared by Town Planner Greenhalgh and on September 10th the majority of

the Board voted to recommend the nomination of the DCPC to the Board of Selectmen.

The Board anticipates beginning its review and discussing potential zoning amendments this month and will continue with this work. The Board also supported the application for funding for CPC grants for the housing trust and coordinator and the acquisition of land for both affordable housing and open space.

Currently the Board has two opening for alternative members. Timely appointments are vital for the Planning Board to complete its charge and to continue to support and review multi-faceted projects during winter absences by members that go down south. At this time all Board Members are up to date on their ethics training.

Mr. Howell commented that he attended the Cape Cod Commission meeting and they unanimously accepted the application for the DCPC and they are going to act thereon. Secondly, just to get it out there, the alternates if they are going away it won't do them any good. Mr. McParland understands the problem, but it would help with a quorum.

- B. Vote to approve application for Lodging House or Innholders License for Sands Hospitality, Inc. – d/b/a Platinum Pebble Boutique Inn – Building, Health & Fire have approved

Mr. MacAskill moved to approve the application for Lodging House or Innholders License for Sands Hospitality, Inc., d/b/a Platinum Pebble Boutique Inn. Mr. Howell seconded.

- C. Approve the Administrator's recommendation to grant permission to NSTAR to install 55' of conduit and cable and one (1) handhold #72/H3A in Old Wharf Road – with a stipulation from the Highway Department "Old Wharf Road was recently resurfaced and is under a road cut moratorium until 2022, all work must be done in the soft shoulder only."

Mr. MacAskill moved to approve the application, Mr. Howell seconded. All in favor, motion carried by unanimous vote.

- D. Vote to support Community Preservation Act funding for maintenance of town-owned conservation land in the amount of \$20,000

Mr. MacAskill moved to support the Community Preservation Act funding for maintenance of town-owned conservation land in the amount of \$20,000. Mr. Howell seconded. All in favor, motion carried by unanimous vote.

- E. Vote to approve request for Lawrence E. Brophy, Member, Affordable Housing Trust to be allowed to participate remotely via Face Time for the Affordable Housing Trust meetings

Mr. MacAskill moved to approve request for Lawrence E. Brophy, Member, Affordable Housing Trust to be allowed to participate remotely via Face Time for the Affordable Housing Trust meetings, from December 2019 through March 2020. Mr. McManus seconded. All in favor, motion carried by unanimous vote.

Mr. Howell had a comment and said though he likes Larry's insight, he is concerned about baking into the cake that members are going to be away. He will vote now, but believes this needs to be a broader discussion regarding remote participation in all committees. Mr. Ballantine said we need to be careful, because Larry brings expertise that it is good to make it work. Though Mr. Howell said it sometimes does not help with having a quorum.

Mr. MacAskill agrees we should bring it back. Mr. Cakounes stood up to add his comments from the audience, that this is an interesting topic. He said that a lot of towns are moving to participate remotely, however if you read the law that being away every year for 5 consecutive months may not be meeting the letter of the law. This should be investigated more.

All in favor, motion carried by unanimous vote.

- F. The Traffic Safety Committee – New Traffic Calming Policy – First reading and Discussion

Mr. Gerald Beltis, Chairman of the Traffic Safety Committee. The Board of Selectmen asked them to come up with a traffic calming policy after request for speed bumps came up. He asked Linda Cebula, Jerry Scannell and

Charleen Greenhalgh to put it together and they came up with this draft. Ms. Cebula will present it.

Ms. Cebula reported that after working with Charleen, the town planner, they looked at several other communities with calming policies and present this proposal. They are proposing to have no speed bumps on Harwich public roads. They sought input from police, fire and DPW. Any questions.

Mr. MacAskill said they did a great job. He would like an answer to why no speed bumps, is the statement, "speed bumps and/or humps are prohibited on town roads" a law?

Ms. Cebula responded that the statement is the recommendation of the Traffic Safety Committee, as part of this policy. Mr. MacAskill believes that statement should be removed and language added for the board to be allowed to grant in extreme cases.

Mr. Lincoln Hooper, DPW Director, explained that private neighbors are allowed to have speed bumps, as long they are removed by November. There are 360 private roads in town. A good example is Harbor Road, part is public then turns to private. Harbor Road has speed bumps and they remove them in the fall so the town can snow plow.

Mr. MacAskill says again that he does not believe this should be part of the policy. The situation in the camp grounds that came up two years ago, where neighbors were concerned and voted on speed bumps. There are situations where neighborhoods endorse speed bumps. He can't support the policy that just outright says no speed bumps.

Mr. Hooper responded that he was on vacation when that discussion came up in the campgrounds, but he had done the research, which he had provided at the time. He also explained that the DOT frowns on speed bumps. He does not believe that they belong on public roads. He received the direction from the Board for the bumps in the campground, and after initial growing pains it has worked well.

Ms. Cebula thinks that one of the concerns with speed bumps, is the possible damage to vehicles. With no street lights, they might be missed and that could cause more liability to the town. The committee is also quite concerned about

emergency responders having to slow to 2mph while someone is in crisis and feels that there are public issue with having them on the ground.

Mr. Norm Clarke, Fire Chief, took a moment to provide the view of the National Fire Protection Agency (NFPA). Their standard does say no speed bumps of any type, though the exception is possible if the Fire Chief says it is ok.

Mr. Cakounes said he is not opposed to the town taking a stand of not liking or wanting speed bumps, though he agrees with Mr. MacAskill, that we live in a rural kind of a different community and there are certain applications where these things do work. As the policy comes forward, there should be a “loophole” that if an occasion does come up that the board should be able to give an exemption.

Mr. Ballantine, suggested that the commission think of a way to adjust the language to give some leeway. He also suggested that they talk to Mr. Hooper on how they met the compromise in the campgrounds.

Mr. Beltis explained that there is an application process in the packet. Ms. Cebula said that they will go back to the committee to discuss how to put words in there to give leeway, if appropriate.

Mr. MacAskill appreciates the application, and thinks it is perfect, except for the line stating, speed bumps and/or humps are prohibited on town roads. That line should be removed and they should add some language that the Board can overrule and grant if they decide too.

Mr. McManus said that speed bumps have been temporary in the summer and removed for the winter. His concern is the roadways in question are congested and densely populated, like the campgrounds. Another option is speed tables, which are found in more metropolitan areas. They help to keep areas from becoming cut through roads.

Mr. Howell suggested that the default position should be that they don't allow speed bumps, but they should have a way to do an exemption.

Mr. Howell makes a motion to send it back for a second reading to incorporate a clear policy on what was discussed tonight. Mr. MacAskill seconded. All in favor, motion carried by unanimous vote.

- G. Vote to authorize the Town Administrator to execute all contracts as detailed in the 10/1/19 memo from the Cape & Vineyard Electric Cooperative relative to Harwich's Round 4 PV/Storage Projects

Ms. Liz Argo, Manager of Cape & Vineyard Electric Cooperative, introduced herself.

Mr. MacAskill expressed he was not sure if this was going to be for a vote and it should be clearer on the agenda. He does not believe he can vote on this today. Mr. Ballantine asked Ms. Argo to move forward with the presentation.

Ms. Argo provided an overview and explained she is here to answer questions on the memo. Harwich will be participating on the Cape & Vineyard Electric Cooperative's Round 4 Solar PV solicitation process for roof mounted, ground mounted, and solar canopies, with or without a battery storage option.

Ms. Argo said that they worked with various members of the town. She pointed out that Sean Libby was there and also, Leo Cakounes, as Director from Harwich and president of CVEC. They had 20 project sites and are ready to approve the contracts. Harwich's site will be a megawatt in size and a lease payment to the town of \$112,685 per year. Also, a project at the Harwich Community Center that would feed that facility with power. This will be a solar canopy and the price is about a half a penny, basically a fee that reduces the electric bill. There is a fee, but you will have a nice savings. The golf course has two projects. The cart barn to feed the carts and a ground mount by the maintenance building. The Harwich Safety Station to add a solar canopy. Prices are based on projects being accepted to block 4 of the SMART program. Batteries are proposed for resilience when the grid goes down and calculations on net benefit are included. They ask that the Town Administrator can have the authorization to execute the contracts.

Mr. Ballantine said that they received a letter that was added late to the drop box, which walked them through the signing steps.

Ms. Argo explained that the bidding process was complete. CVEC had been bidding since May and all completed contracts were sent out in September. She also explained that the batteries are paid for as part of the SMART incentive and does not add any cost.

Mr. Cakounes stepped in to explain that CVEC is a cooperative made up of all the towns and instead of Harwich going out for RFP alone, that there is a benefit to all the towns going into a pool as part of the round 4 projects and put out an RFP for a larger project for a developer to bid on. The only concern is if there is a delay, the developers bid on these to benefit from these projects and he suggested that the board moves forward.

Mr. Howell said that the idea of the particulars are fine with him, but all the backup data is fraught with blanks and place holders. The Board is fighting credibility with contracts across the board. He is not comfortable re-delegating something that they took away. He is ok if the Board of Selectmen are the ones to execute the contracts, not the Town Administrator.

Ms. Argo said that they can do that, one signature line or five, does not matter. She is leaving on October 15, to be out of the country and would like to make sure vendors have everything they need before she leaves.

Mr. MacAskill asked Mr. Powers what the town will have to do, to vet the contracts. Mr. Powers said that he and Griffin Ryder meet regularly and they will plow through all six contracts and do their due diligence.

Mr. MacAskill wanted to know how long the town has known about this and Ms. Argo confirmed that it started last year and negotiations happened May to September. Mr. MacAskill was concerned that so much has been piling up on Mr. Powers and Mr. Ryder.

Ms. Argo said if they want, it won't be as financially rewarding.

Mr. Howell said that he will take a leap of faith and make a motion that they approve subject to the signature of the Board of Selectmen. Mr. MacAskill will not second it for discussion. Mr. Ballantine, seconded it for discussion. Mr. MacAskill said that the discussion is, that it is not what is on the agenda tonight. He is fine with the consensus and to look at these projects.

Ms. Argo said that it won't give the vendors the confidence to start spending money, which they have already started on. They are not willing to spend more money without contracts.

Mr. MacAskill said that all they have are blank contracts, there is nothing in the packet that shows that legal has looked at anything. Ms. Argo said that they can take care of filling in the blanks.

Mr. McManus said that it is reasonable and prudent for the town to move ahead. The risk of falling out of the program or lesser financial benefit is not in the best interest of the town. The issue of who signs the contract, he does not necessarily agree with who signs it.

Mr. Cakounes suggested that they should make a motion that the contracts be added in their completed form. He said that since one of the projects is a lease, that should fall to the BOS, so this change to the Board is the right move.

Mr. Howell said that with the confidence crisis it is important to show we are going to see them and execute them.

Motion carried 3-0-2, opposed by Mr. MacAskill.

H. Discussion on disposition of land at former proposed pet burial ground

Mr. Powers explained that this is relative to the land on Queen Anne Road and that designation was rescinded at the spring Town Meeting. He was able to confirm that the Cemetery Commission did turn it back over to the Board of Selectman. The property card has not changed yet and he is working with the Board of Assessors to turn it over. Beyond that the Board has options for procurement. They can do proposals and he is looking for some guidance from the Board as to what direction to take.

Mr. Ballantine asked it to be on the agenda to discuss the options available. They don't need to make a decision tonight and can think about it.

Mr. Howell said, speaking as a liaison of the Real Estate and Open Space Committee that would like to pass it back to them for options. He will say

that if they want to sell, they will need real options with pricing, to put in front of town meeting.

Mr. Ballantine said they need options for what do with the funds as well.

Mr. Cakounes commented that it is no secret that he is opposed to the town selling it at Town Meeting. There are so many options for what to do with the land, it is heavily trafficked industrial area. The town should hold it as a vacant lot, a comparable lot pays more in property taxes. He would rather let it sit vacant. There will be things that the town will need land for and an industrial piece of land would provide so many options in the future.

Mr. Ballantine said that there was a discussion about a cell tower.

Mr. McManus said that depending on how the land was required, there could be limitations on what can be done with proceeds. They should know that before they move ahead with anything. They should also know if it needs to be made available to other town agencies, before it is made public. It is not a simple discussion of let's sell it, other issues need to be discussed.

Mr. MacAskill responded that the Board has enough to do right now, if they are just looking for things to do, they have plenty to do. Mr. Howell said that they should just explore their options and pass it on to people who can look into it.

Mr. Hooper advised the Board that the gazebo that was there is still under the jurisdiction of the Cemetery Division. Mr. MacAskill asked if they had paid \$4,000 for that and wanted to know how it was moved and had the town been paid back for it.

Mr. Howell asked if they can move that they refer the matter to the Real Estate and Open Space Committee. Seconded by Mr. MacAskill. All in favor, motion carried by unanimous vote.

I. Procurement Update and Prioritization Discussion

Mr. Ballantine mentioned that they are falling behind for procurement and he had asked Mr. Powers, Mr. Clark and Mr. Ryder to put together a list of items that we need to go out on bid for, to help prioritize.

Mr. Powers said he supplied in the packet the spreadsheet that he and Mr. Ryder had worked on. It has 40 projects that are listed and they have been made aware of since they became a procurement team in June. Some of the projects are ongoing, and they do not include operational or capital procurements. They included a column with the different status categories, where each one is at.

The one that says no info provided, is because they became aware of it either through a comment made or reviewing warrant booklet. The fiscal year column, the third from the left shows that some projects go back to FY2018.

Mr. Powers explained that the list is ordered by last name of staff leads, not in order of priority.

Mr. Howell asked if the list included exempt, engineering contracts. Mr. Powers said that there are some engineering in there and that they have tried to capture everything they are working on.

Mr. Howell, again commented that he does not see any engineering for the harbors, or asked if they are not doing anything? Mr. Powers said if it's for Allen Harbor, the Administrator has that and he is not sure of the status, but it is on the list.

Mr. MacAskill said that his questions would be for the Town Administrator, who has not been present at many of the last meetings. They don't know the importance on each item and they need to address what is wrong and how they got there. Mr. Ballantine agrees, but he is trying to figure out a way to work their way out of it.

Mr. MacAskill would like to reiterate his question through Mr. Ballantine and through the Assistant Town Administrator, to get back to the Chief Procurement Officer, the Town Administrator; how did we get here and how does he suggest, as a person that makes the top salary for the town, how we get out of this? Rather than pile more work on the two people that just started this. Mr. Ballantine stated that they will follow up with that. His purpose was not to pile more work on, but to find a way to ease through it.

Mr. Howell was thankful to the Chairman, because it is good to have it all in one place. He agrees with Mr. MacAskill, that it is the responsibility of the Town Administrator to set the priorities and why we are so back logged. If he is the manager, the Chief Procurement office then the buck stops with him. The Town Administrator should be saying what the priority list is.

Mr. McManus feels that all of them need to move ahead at the same time. Department Heads are responsible to work with each department to push these thing ahead, and all at the same time. They should not wait until the Fire Station is finished to begin working on the rest room for sand pond, they are not related. Mr. Ballantine commented that they have limited staff. Mr. Powers said that things that have moved forward is because of the department heads helping to push them forward.

Mr. Ballantine stated that there is not much more they can do, but they have a list of what needs to get done, and they will follow up on all the points made.

J. DPW OSHA Compliance / Custodial Foreman - Discussion

Mr. Lincoln Hooper, first expressed his feelings that Mr. Powers and Mr. Ryder have been doing a great job and it has been appreciated. He is here tonight to brief the Board on a new law that effects every public sector employee in the Commonwealth. He would like to explain what the DPW has been doing to address it and offer up possible solutions. He also has two experts in the room that can help to brief them. Attending is, Marina Brock, former Health and Safety Officer with Barnstable County Health Department and current Mass Maritime Professor and Harwich resident, and also Sean Libby former Master Chief in the service with 30 years with CB experience. On March 9, 2018 a new law was signed into effect that amended the OSHA standards.

Mr. Hooper continued that in an attempt to get ahead of the curve, they are going to participate in a pilot program. He also just completed a 30 hour OSHA class, which is a lifetime credential. This was a broad base class that shows everything they should be doing. The class provided a good understanding and offered solutions, which he is hoping Mr. Libby can assist with, to get to a sustainable culture of safety.

Having a custodial foreman would allow some flexibility in the schedule and possibly lessen overtime. They requested this same position last year but it was removed early on in the budget process.

Marina Brock explained that Barnstable County still hires her on contract basis and she could talk for 30 hours on this. She has been working with Harwich and Mr. Hooper for many years. She has worked in the municipal sector for 30 years.

She said that municipal sectors in Massachusetts have been indemnified from complying to any relative framework for OSHA since 1970, since the OSH Act passed. The OSH Act doesn't cover public entities, they couldn't obtain bi-partisan support to do that. It was expected of the state at that time to meet the minimum standards, Massachusetts never has. We have not been complying with the standard. The municipal sector has been exempt from that. We are now upside down on workers comp insurance, so we need to start protecting municipal workers. There are nine towns that are voluntarily participating in this. She does the training and a struggles to get the towns to do the right thing.

Mr. Ballantine asked Mr. Hooper if he has been working with the Water Department on this. Mr. Hooper said that they received a letter from DLS to do an investigation on how those things occurred. He called Ms. Brock to ask her about how to get through that process. She convinced him to join the round table.

This new/amended law covers everyone, though they are focusing on the DPW because it is often the most dangerous work. It is a Department that sees deaths each year.

Mr. Ballantine thinks that the Water Department should be included. He also wants to know if it is Mr. Hooper's intent to bring it to Town Meeting. Mr. Hooper explained that he wanted to bring it to the attention of the Board to start a dialogue. Mr. MacAskill asked if this is a two part request, a foreman to lighten Mr. Libby's load as well as someone to be able to focus on safety.

It was also suggested that they could look to hire a Compliance Officer. Mr. Hooper had brought that idea to the Administrator but was told that no other towns were going down that path.

Mr. Libby then spoke, that if the town had the climate to hire another person, then that person should be a certified safety person. An alternate solution is to be able to free up some time, because filling the schedule takes up so much of his time, many things are not getting done. If the Town was to hire someone it should be a town wide admin position.

Mr. Ballantine stated that it starts with them and they need to have an active part in making it happen. Mr. MacAskill asked about how many unfilled positions they currently have and if the county has looked at hiring a Safety Officer. They pay a fair amount of money to the county and they don't use those resources. He also agrees that Mr. Libby needs some relief.

Ms. Brock said that Barnstable County has her on per diem to do work for the towns, but the problem with the county funding a Safety Officer is that it is not feasible. It would be difficult to administer safety for 15 towns. Safety should start from the top down and has to come from within the town.

Mr. MacAskill thinks they have enough money in the county to hire a staff.

Mr. Cakounes said that the Barnstable County government is not going to step up and they should look to partner with neighboring towns. Once up to speed, the person would only need one to two days a week for Harwich. They need to take it to the county and be the leaders.

Mr. McManus indicated that he supports the safety program and agrees with the formation of multiple towns. He also agrees that Mr. Libby needs more time to deal with the construction end of facilities maintenance.

Mr. Howell just wanted to mention that if they were to add anybody they should go back to voting on a staffing plan to show additional staff and a warrant article.

Mr. Ballantine said they should look at other towns and find some partnerships to move forward.

CONTRACTS

Mr. Joe Powers explained the two contracts listed here have been in front of the Board before. If the Board approves both contracts, they will have approved five all together. The total cost for all five contracts is \$13,457. He is asking the Board to approve both contracts below under A and B.

A. Vote to Approve – Brooks Free Library AUX Equipment Controls
\$50,039.00

B. Vote to Approve – Brooks Free Library EMS Proposal - \$53,525.00

Mr. McManus moves to approve the contract for the Brooks Free Library AUX Equipment Controls for \$50,039.00 and the Brooks Free Library EMS Proposal for \$53,525.00, with signature by the Board of Selectmen. Mr. MacAskill seconded, with discussion.

Mr. MacAskill added that they have been asking for contracts to come to them and have only received probably 4 out of 400. Again, a contract has come in front of them without signatures on it. They have done an outstanding job and it is a benefit to the taxpayers. However, he has no confidence in the Chief Procurement Officer, but he does in Mr. Powers and Mr. Libby and therefore will support this.

All in favor, motion carried by unanimous vote.

TOWN ADMINISTRATOR'S REPORTS

ASSISTANT TOWN ADMINISTRATOR REPORT

Mr. Powers said his first item, is the potential re-use of East Harwich Fire Station. Mr. Powers met with Chief Clarke, Deputy Chief Leblanc, Town Planner, the Health Director and the Building Commissioner. They checked out the current site of Fire Station 2, and all parties agreed, the building there does need to be demolished. The Town Planner and Health Director are working on additional documentation to be shared at a later date. The building should be demoed as planned.

Chief Clarke commented that he has had interest in Station 2, but the old station is too close to the new one. They would have to build some sort of retaining wall. Another issue that has come up is if the building was not good enough for the Fire Department why is it good enough for someone else. He believes that after looking more closely the old station is not good for re-use. The building should be demolished as planned.

Mr. Ballantine said they will put it on the agenda to vote on it, Mr. Powers will provide a memo from the site visit stating the deficiencies. Mr. MacAskill said they are looking for a consensus they have it.

Mr. Powers' additional notice was to remind the Board that the next meeting will be held on Tuesday, October 15, 2019, because of the holiday.

SELECTMEN'S REPORT

Mr. Howell reported on attending an annual dinner where the guest of honor was Carla Burke and she had a terrific presentation.

Mr. Ballantine shared that Carol Coppola has offered to hold a finance budget work shop on October 29th at 6pm. He will go ahead and schedule it and the purpose is it to make sure we are all talking the same language.

ADJOURNMENT

Mr. Howell moved to adjourn at 8:55 pm. Mr. MacAskill seconded. Motion passed unanimously.

Respectfully submitted,

Lisa Schwab