

APPROVED

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
Monday, October 21, 2019
6:30 P.M.**

RELEASED

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

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

Mr. Ballantine reopened the meeting at 6:30 p.m. He explained he first called the meeting to order at 5:15 p.m. for Executive Session. They discussed the matter about complaints that were brought against a public employee. They had a good initial discussion and that discussion will be continued.

WEEKLY BRIEFING

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

Mr. Clark provided an updated and said he understood people are sensitive about the detours, though they will be continuing for some time. This week they will be continuing on Route 137 and Route 39, and that is the anticipation for the next three weeks.

They have tried to avoid, as much as possible, having the construction on those two roadways at the same time. Unfortunately, when doing sewers, you have to pick the low point and then build out from there, so they are behold to the low point. The low point on Route 39 is Spence's Trace going to the 400 East Plaza. This will be about 22 day's worth of construction on that, and then they will hopefully be out of that area.

Mr. Clark also explained that he put a call into Eversource to discuss the coordination of where they are cutting trees. He appreciates that they are cutting the trees, but he is hoping they will have better coordination from the construction and the tree cutting to limit the number of detours.

PUBLIC COMMENTS/ANNOUNCEMENTS

1. Ms. Carolyn Carey, Director of the Community Center, wanted to announce they had a very successful boutique, with about a 100 people in total that attended. They still have costumes available, if anyone needs one they can be picked up at the front desk of the Community Center. Also, mark your calendars for the Halloween party at the Community Center. It is free, and there will be food and trick-or-treating at every door.
2. Mr. McManus announced that on Wednesday, October 30th at 6:30 p.m. at the Community Center, the Harwich Cranberry Festival Committee will be having their monthly meeting. They are looking for additional volunteers. It is becoming more difficult with the number of volunteers they have, and need more people to be able to continue the festival in a safe manner.
3. Mr. Howell would like to remind everyone that the Cape Cod Commission is coming down tomorrow at 5 p.m. at the Community Center, to hold the first in the series of hearings on the DCPC for Captain's Row.

CONSENT AGENDA

1. Vote to confirm the recommendation of Police Chief David Guillemette to appoint Jack Burns as a part time Special Police Officer effective October 21, 2019 with an hourly rate of \$21.00

Mr. Howell moves to confirm the appointment of Jack Burns as a part time Special Police Officer effective October 21, 2019 with an hourly rate of \$21.00, at the recommendation of Police Chief David Guillemette. Seconded by Mr. MacAskill. All in favor. Motion carried by unanimous vote.

PUBLIC HEARINGS/PRESENTATIONS

- A. Presentation – Dockside Seafood Shack first season overview – Joe Griffiths to present

Mr. Clark introduced that the Harbormaster, John Rendon, and Joe Griffiths were present.

Mr. Joe Griffiths was happy to let the Board know that they had a wonderful first year. They had a few hiccups and a few complaints early on, but they ended up serving 32,000 people through the season. Also, they had no incidents relative to food poisoning or liquor violations etc. The future looks bright at Saquatucket. He is anticipating a 20 to 25% increase going into the 2nd year. The cooperation of the staff was outstanding, and their good working relationship with the harbor.

Mr. Griffiths explained to the Board of Selectman that he had a check to present to them for the percentage of the rent increase over the base rent. The base rent is \$24,000 per year and he had a check for \$8,500, which represents the increase over the base for the first year of operations. They did fall about 5% short, he felt due to the post Labor Day wind and rain, which were factors that you can't control. But overall the summer weather was very good.

Mr. Ballantine asked if parking was an issue. Mr. Griffiths said, he had not heard of any issues with the parking, except for the July 4th weekend and Labor Day weekend, they did run out of parking. The biggest problem with parking seems to be that cars parked all day long to go on bus trips. Though parking overall was ok and they will be addressing the issues with the long term parking.

Mr. McManus said he enjoyed going there and watching the harbor, and it is as nice as the golf course. Harwich has two of the best outdoor eating destinations.

NEW BUSINESS

A. Annual Meetings with the Board:

1. Harwich Accessibility Rights Committee

W. Matthew Hart, Chairman Harwich Accessible Rights Committee, said that he was in Boston for the hearing about the Stone Horse Dormitory. They made some concessions and it is moving ahead. Mr. Ballantine also commented that the owner has offered a couple of those rooms for disabled Veterans, which is very important.

Mr. Hart then presented the annual report for the Harwich Accessibility Rights Committee (HARC) for 2019. The mission is to advise and guide the Town of Harwich and the general public regarding issues of disabilities and accessibility as ordered by the Americans with Disabilities Act (ADA) and the Massachusetts Architectural Access Board. Also, the Harwich Accessibility Rights Commission provides information and referral services to residents and visitors. They work closely with the local Harwich churches, elderly services, and the Veterans Agent.

The definition of an elderly, or senior citizens to HUD is anyone over 62½ years of age; the percentage, per capita in Harwich is one of the highest in the state, and it is growing. As far as the disability status, Harwich has an elevated level of individuals with special needs. In 2014, looking at the noninstitutionalized Harwich population, 12%, were individuals that claimed some type of disability, this was up from 9.3% in 2000. Today the population is about 12,220. However, it can swell to three times that in the summer and that includes people with NEEDS accessibility.

For those Harwich residents that are under 18 years of age; 4.8% claimed a disability. In the 18 to 64 age range, of Harwich residents, 10.7% claimed a disability.

Regarding the Harwich population of persons 62 years of age or older, which is over 31% of our residents; 12% of those in that age group claim some type of disability. These levels of over 12% disability, particularly of those of seniors, represent a significant need for requirements of ADA approved accessibility within the entire Harwich community. These percentages are high in comparison to the 9.3% level for the state.

The HARC currently has only three active members. They have openings for two full-time members and two alternate members. The current members have been active, professional and an asset to the Town of Harwich, but it is not enough. Because so many Harwich residents go south in the winter, the two alternate members are a critical element in maintaining a quorum. Over the past year, six of the monthly meetings were canceled due to a lack of a quorum.

Two years ago, HARC participated in an ADA self-evaluation and transition engagement, which is required in every community in the United States. As a result of this evaluation, that was conducted by ADA Certified

Consultants, HARC was made aware of 271 ADA violations, which were mostly parking signs. The Town of Harwich is in the process of becoming ADA compliant.

Mr. Hart is concerned because of the limited HARC membership, that they do not have the ability to perform the assigned duties. Therefore, he would like to invite any and all interested individuals, that would like to participate in the meetings, and those interested in becoming an active HARC member, to join them. It is just one meeting a month for about 45 minutes and primarily listening to people who have a complaint or a need. Mr. Ballantine has been a huge help and support.

Mr. Ballantine added his plea that they need to add more people to HARC. It is part of the law and it is needed to help those with disabilities. It is a good group. Please join up! Mr. Howell said that for those who don't remember this Mr. Hart dragged this committee up almost single handedly and turned it into HARC. He does need help.

2. Waterways Committee

Mr. Hart began this report by thanking the Board for their support and has been thrilled with the success. It is a beautiful harbor and thanks to John Rendon.

They had another successful year of progress and growth thanks to Harwich residents, Board of Selectmen, the Harbormaster, the Department of Natural Resources and the Waterways Committee. This includes successful openings of the Seafood Shack, the Artist's Shacks and the landside projects.

The Waterways Committees have worked closely and successfully with the local boaters, Board of Selectmen and Harbormaster to achieve and exceed the committee's objectives and goals. The meetings were well attended.

For the maritime assistance and public safety areas; there were (25) tows, (3) groundings, (2) capsizing, (4) dewatering, (1) medical and (9) miscellaneous, for a total of (44) incidents.

For the dredge projects, Barnstable County conducted the following two dredge projects; 4,372 cubic yards were removed from Round Cove and nourished bay public beaches and Wequassett barrier beach. The other is Allen's Harbor channel, where 7,650 cubic yards were removed. The hope is that they will not have to do this every year. The Allen's Harbor channel also included the nourishment of Grey Neck, Earl Road and Wah Wah Taysee public beaches. The MassWorks grant funded 50% of Allen's Harbor project.

The Harbor Management Plan (HMP) had the following changes approved by the Board of Selectmen; adding an annual town fee for class F and D permit holders, the ferry and boats, adding new winter term rates for the recreational boaters, and they made change to the vessel length overall definition.

For the budget, the Harbormaster Department had \$1.3 million in revenue for the first physical year of 2019 which was a \$162,000 increase over the previous year. The Saquatucket Marina Landside Project was completed and had its first season with the opening of the Dockside Snack Shack, the Seaside Marketplace, the Artisan Sheds and the ferry and passenger boat ticket sheds.

The project plans for 2019 and 2020 will consist of the following: 1. The Round Cove ramp replacement and vehicle access, the permitting and design for this is ongoing, 2. The Allen's Harbor jetty rehab, which will have the site investigation, permitting and design commencing on October 30th, 3. The Wixon dock landing upgrades, design adjustments are being worked on by the Town Engineer, and 4. the completion and relocation of the new Harbormaster Maintenance Building.

Mr. McManus finished with an overwhelming thanks for Mr. Hart's 25 years of leadership.

3. Affordable Housing Committee

Mr. Arthur Bodin, Chair of the Affordable Housing Committee, said his presentation has to do with the Housing Committee and the Affordable

Housing Trust. He has voiced his concern in the past of the role of the Housing Committee and now the town has a fully operational Housing Trust, which means there are two entities here.

It appears that the Housing Committee members are only observers in the housing initiatives. To keep up with all things housing, he attends the Housing Trust Meetings, as well as all the Real Estate and Open Space Committee Meetings, which they have extended a hand for him to join them. At times he has voiced to his concerns and opinions, when appropriate. He has also been attending the Lower Cape Housing Institute sessions. The most recent session dealt with the towns creating a partnership with their Housing Trust and Housing Committees. Town after town these committees are working together. It is important that each committee has a part and the town's people should be made aware of this partnership.

Mr. Bodin said that the initial areas that should fall under the Housing Committee goals, are the outreach programs and research programs. These are two items, but it is not limited to just these two. Also, the Housing Trust is in the process of formulating an action plan, and he feels that the Housing Committee should be a part of this. He is looking to start the conversation about the trust and the housing committee.

Mr. Ballantine would like to schedule a meeting between the two groups. Mr. Howell added that in the process of developing an action plan, the Housing Trust will be contracting that out, to have it done by people who have done this before, so they will get an input.

B. Accept the gift of artwork - The Bottle Project

Mr. Clark said that he had some discussions with the staff and Ms. Carey and because Ms. Hartman has an art studio in the cultural center, they believe she will find a location there to house the art work.

Mr. MacAskill moves to accept the gift of artwork the Bottle Project and hang it where appropriate in the Cultural Center. Mr. Howell seconded. All in favor. Motion carried by unanimous vote.

- C. Request for approval for one (1) day Entertainment License for the Winstead Inn and Beach Resort. Live music (3 person combo) and amplification. The event will be held on Saturday, October 26, 2019 from 5:00 pm to 10:00 pm.

Mr. MacAskill moves to approve the one (1) day Entertainment License for the Winstead Inn and Beach Resort. Live music (3 person combo) and amplification. The event will be held on Saturday, October 26, 2019 from 5:00 pm to 10:00 pm. Seconded by Mr. Howell.

Mr. Ballantine added that they have all the necessary documentation and police reports, so it has been well vetted. Mr. MacAskill also added, that due to the noise issues in Harwich Port, they should be sure to tell them what the noise bylaws are. All in favor. Motion carried by unanimous vote.

- D. Vote to approve Seaside Market Application, Schedule and Rental Agreements for 2020

Mr. Clark invited Ms. Carolyn Carey, Director and Ms. Erica Strzepek, Program Aide of the Cultural Center to provide an overview of the Seaside Market application, schedule and rental agreements for 2020. Mr. Clark said that the Board approved this last year, but they want to make some changes and they want to make sure the board is aware of this and will approve it.

Ms. Carey said that they are going to do a quick synopsis of where they ended up and they showed a video of the marketplace to give an idea of what was happening down there. As they found out, there were some things they needed to change. They did not change the contract at all, things they did change were the start times. They were opening at 9am, but will change to 10am, because they learned that no one comes before then. They are going to remove the application fee and just add it to the overall payment. Eliminating that, will be cleaner for the accounting procedure. Also, they can't have open flames and put a move-in start time and move-out time.

A couple of housekeeping items, they would like consider adding a rental for the season, as an anchor. Orleans has done this and it has been successful. Also, the application has the dates of the shoulder season for weekend rentals.

Mr. MacAskill moves to approve the Seaside Market Application, Schedule and Rental Agreements for 2020. Seconded by Mr. Howell.

Ms. Cynthia Hartman, local artist, said she had a week at the marketplace and it was successful. She was happy to be able to talk to the community and shared how much the community loved it. As an artist she couldn't be happier.

Ms. Julie Cavanaugh of East Harwich, said that they did a tremendous job down there and kudos to the hard work. It has been a great summer.

All in favor. Motion carried by unanimous vote.

CONTRACTS

- A. Award bid to Robert B. Our, Co., Inc. and vote to approve – Catch Basin Replacement & Drainage Infrastructure Installation (Unit Price Work) Contract - \$394,200.00

Mr. Powers explained the bid process that Griffin Ryder and he went through. The bid resulted in two prequalified contractors coming back, and Robert B Our was determined to be the responsive bidder. It has been vetted by both counsel and the accountant and it is recommend that the Board approve as presented.

Mr. McManus moves to award the contract for drainage Catch Basin Replacement & Drainage Infrastructure Installation (Unit Price Work) Contract - \$394,200.00. Seconded by Mr. Ford. All in favor. Motion carried by unanimous vote.

OLD BUSINESS

- A. Vote to approve an Annual, On-Premises, Farmer Series Permit for Wines – First Crush Winery

Mr. MacAskill moves to approve an Annual, On-Premises, Farmer Series Permit for Wines – First Crush Winery

Mr. Howell asked if this is to amend the existing permit, which Mr. Ballantine confirmed. Seconded by Mr. Howell.

Mr. McManus said it is wonderful how the winery helps with fundraising and events with the town. Mr. Puzio said he is very proud of how they have evolved since their inception in 2012. They often get positive comments for what they do in Harwich and are very pleased to get to the next level. It is not a destination for the evening, but for those that request a glass of wine subsequent to just a tasting, it would be nice to offer it.

All in favor, motion carried by unanimous vote.

TOWN ADMINISTRATOR'S REPORTS

A. Playground update – Line of demarcation

Mr. Clark had an update for the Board, on where the playground sits. In the materials provided, is the agreement and the line demarcation. There is a tour this Thursday at 10 a.m., which has been posted. He and the Superintendent will be attending, but the more eyes the better.

Mr. Clark, also reported on the struggle they have had with Eversource up at the golf course. They have reached an agreement, from the original charges of \$271,000. Eversource has agreed that it will be within \$50,000. Now it is viable to move forward.

Also, on the good news front, from Sarah Peake's office, the House has passed the tornado relief, upwards of \$3 Million. The town had put in a request for \$1.2 Million. They should be in that neighborhood and should be able to reimburse the expenses from the storm. It was passed by the House and now needs to go on to the Senate and then get approved by the Governor. The Governor has been a strong supporter and we are headed in a good direction to offset the costs.

Mr. Ballantine asked about the landfill and what has been done with the mountain of wood chips from the storm. Mr. Clark said that they have been converted into two types of resources, a compost pile and mulch piles. The piles are out there, available and free for residence.

B. Departmental Reports

No report.

SELECTMEN'S REPORT

Mr. McManus said that the storm reimbursements was another important thing that happened with State Representative Sarah Peak, and she was able to bring the Speaker of the House down and got his support too.

Mr. Howell again wanted to remind everyone about the DCPC meeting about Captains Row, which is on Tuesday, October 27th at 5 p.m. at the Community Center and then he was corrected that it will be held in the Griffin Room at Town Hall.

ADJOURNMENT

Mr. MacAskill moved to adjourn at 7:24 p.m. Mr. Howell seconded. Motion passed unanimously.

Respectfully submitted,

Lisa Schwab
Administrative Assistant