



APPROVED

MINUTES
SELECTMEN'S MEETING
GRIFFIN MEETING ROOM
Monday, November 4, 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.

CALL TO ORDER

Mr. Ballantine opened the meeting at 6:30 pm, and called to order the Board of Selectmen. He explained he first called the meeting to order at 6:00 pm for an Executive Session, in which they discussed the potential agreement with non-union personnel and voted. They will discuss that a little later in the meeting. They also approved and released the Executive Session Minutes from March 5, 2018, March 19, 2018, July 23, 2018, August 6, 2018, and August 20, 2018. As well as, the Executive Session Minutes for June 11, 2018.

WEEKLY BRIEFING

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

Mr. Christopher Clark, Town Administrator, provided an update, from Robert B. Our Company, on the Sewer. The one week look ahead, for this week, has the Mainline Sewer Crew # 1 continuing on route 39, from West Spence's Trace, and that has detours. For Sewer Crew #2, they will continue on Route 137, also with a detour. These will continue through November 11th - 15th and the same for November 18th - 22nd. They are detouring those, and hopefully the detour signs are a little better. They had received some feedback, and tried to make those improvements.

The second topic is from a note he received this evening and he would like to thank the DPW personnel for the work at the Harwich Elementary School. Mr. Rick Travers, Facilities Director, Harwich Elementary School, wrote a

letter of praise to Mr. Lincoln Hooper, Director of DPW and his crew for the work at the school.

B. Ms. Carolyn Carey, Director of the Community Center, reminded everyone that they have until November 15th to drop off anything for Cape Cod Cares for Our Troops, and that is in the front lobby. The list of what they are looking for is on the website, if anyone needs it. Ms. Carey also said for anybody that did not know, the Community Center was the place to be on Halloween. They were overflowing. They had more than doubled the number of children they normally see. She wanted to thank the community, as this was all made possible by donations from everyone around us.

C. Ms. Mary Maslowski, member of the Planning Board said that she was there representing the Planning Board, in the absence of Charleen Greenhalgh, Town Planner. She wanted her to make sure that everyone knew that the Cape Cod Commission Public Hearing has been continued for the West Harwich District of Critical Planning Concern. It will be held before the full commission on Thursday, November 14th at 3:00 pm, in the East Wing Conference Room of the old jail building, located at 3195 Main Street in Barnstable. Anyone who would like to attend the remainder of the meeting is welcome.

PUBLIC COMMENTS/ANNOUNCEMENTS

A. Mr. Scott Carpenter, Superintendent, Monomoy Regional School District, said that just prior to this meeting the school committee met to discuss one of the items on the agenda regarding the applicants status for Harwich Elementary School and the CPC grant application. In short, they had voted to have the School District to be the applicant and to invite the Board of Selectmen to participate in it. Mr. Ballentine said they will get into more detail later on.

CONSENT AGENDA

A. Minutes:

1. May 20, 2019 Regular Session

Mr. Ford moved to approve the minutes for the May 20, 2019 Regular Session. Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

- B. Vote to approve the recommendation of the Town Administrator for the appointment of Lisa Tanco Schwab to the position of Assessing Administrative Assistant.

Mr. Howell stated that they had gotten into a new process over the last year, and said that when they get these things, the Charter has two different thresholds. They have a 4/5th vote to object a nomination for lower level employees, and there is a requirement that they have a 3/5th vote or more to confirm a department head. They had arrived at an understanding that the confidential packet would have the finalists, but they would not release the information, it would just be for their edification. That has not happened, so he will not be voting for this. He said that he does not object to her, she looks impressive, but he just wants to reiterate that he expects to see the information as to the other candidates. There is no way to dispose of their duties, unless they know who applied; as opposed to whom they will be confirming the recommendation.

Mr. Ballentine said that is a valid point, and he has made the same point himself. Mr. Ballentine asked Mr. Clark to bring them up to speed on the interview committee. Mr. Clark said that they had 45 applicants and the only one presented to him was the one here. Based upon the interviews, it would seem that they did not think anyone else had risen to the level to be considered a finalist.

Mr. Howell said that this is the reason he mentions this, because it showed that there were five finalists. Mr. Clarke responded that there were five people interviewed.

Mr. Powers added that there were 45 applicants that were deemed qualified. They had received over 80 applications. It took quite some time to parse through those. There was an initial round of five interviews; which himself the Assessing Director and the Finance Director felt merited interviews. They were going to do a follow-up with one individual, but then were notified that the person had taken a position elsewhere. They went back and reviewed the applications and additional applications they received. The Assessing Director and Finance Director conducted at least four additional interviews, one of which is the candidate whose name is presented. Mr. Powers added that he takes the words offered and will include it in the process going forward. However, the Administrator is correct that they really did not deem any of the other individuals to be qualified as a finalist.

Mr. Clark recommended that they vote on this because they have been short staffed.

Mr. Howell said that he is not going to vote against it, he is going to abstain. He said this is more as a statement for the future, because there is no way for them to know what they are doing intelligently, unless they have a finalist in front of them.

Mr. Ford moved to accept the recommendation from the Town Administrator to the appointment of Lisa Tanco Schwab to the position of Assessing Administrative Assistant. Seconded by Mr. McManus.

Mr. McManus added that this is a position appointed by the Town Administrator, and if he only interviewed one person there is only one finalist.

The screening committee is there to narrow down the people and if they only record one and that is the only finalist. He does not feel it is in their purview to delve back into the pack of resumes that were turned in. Mr. Ballentine said that they will continue the discussion.

Motion carried 3-0-1, with Mr. Howell abstaining.

NEW BUSINESS

A. Annual Meetings with the Board:

1. Board of Health

Ms. Pamela Howell, R.N., Chairman of the Board of Health, thanked the Board of Selectmen for the opportunity to meet tonight and to Mr. Ballantine for being such a steady presence at their meetings. During this past year, all of their members have been sworn in and taken their state ethics course. Except for a couple of absences by one member, who has since resigned, there have been no recurring absences and the meetings have been posted and advertised in accordance with the open meeting law. Also, meeting minutes have been voted on and are available online, and a hard copy can be found at the Health Department. Ms. Howell said that 2019 had been a challenging year for the Board of Health, on many fronts. Looking back to May, the Board of Health voted, at the recommendation

the Recreation and Youth Department, on regulations prohibiting smoking at workplaces and public places. This included a ban on smoking on Town owned beaches and recreation areas, and other town operated properties.

Also, after many conversations concerning the transition of East Harwich to the Municipal sewerage, the Board of Health took several actions. The first is that they voted to impose a no permit fee for sewer connections. The Board of Health also issued its first waiver to allow a substandard septic system to remain in use until the connection of the sewers had been made. They have continued with request applications, but there are many factors to consider. They were approached by high school students to consider adding a flavor ban to the tobacco sales regulations. After six months of discussions among the Board and tobacco retailers, a regulation update restricting flavored tobacco products to adults only retail stores, was adopted. This includes candy-flavored as well as mint, menthol and wintergreen. Updated tobacco sale regulations also include a limit on the number of tobacco retail stores in town, as well as, any new retail stores permitted after the regulations were adopted, now have to comply with a 500-foot setback from schools and a 500-foot setback from other tobacco retailers. Finally, the Board of Health adopted regulations banning the sales of flavored vaping products in Harwich. This came a week before Governor Baker declared a public health emergency in September and issued a temporary vaping product ban statewide. This action banned the sale of all vaping products and devices for a four-month period to allow some time for the CDC to study the vaping associated lung injuries. They also voted to raise the legal purchase age for tobacco products from 18 to 21 years old. This would cover sales to anyone in the town of Harwich.

Ms. Howell continued with other stats from 2019. She said that they had 19 properties which requested variances from the Title V, eight subdivisions where reviewed, three environmental impact reports were reviewed, three properties requested re-consideration of previous orders of conditions, public beach request sampling variances and show cause hearings were held, three properties requested extensions on septic upgrades, one food service establishment requested amendments on conditions, a discussion was held regarding allowing dogs at outside spaces of restaurants, and a waiver was requested to use failed septic system until sewer available.

Ms. Howell added that she would like to thank the other board members; Matthew Cushing, MD, Ron Dowgiallo, DMD, Sharon Pleger, MS and

their newest member Matt Antoine. She also said that they give thanks to the former Vice Chairman Frank Boyle and former Board of Health member, Cynthia Bayerl, for their time and energy while they served. She also recognized the efforts of the Health Department staff.

Mr. Ballantine said that the Board of Health, as a regulatory committee, make decisions that are not always loved by the applicants.

A committee of this type is critical. They need to treat applicants respectfully, hear their input, have a good discussion, resolve the situation and do so within state regulations, with our own bylaws, and have that come out, so it is understood. He said that Ms. Howell and the committee do that very well.

Mr. McManus had a question on the smoking ban on Town beaches. It stated just recreation areas and other town operated properties, but for the public to know, if you are on a Town beach and it is prohibited on the beach it is also prohibited in the parking lots? That is Town owned property. Ms. Howell replied that she believes so. Mr. McManus asked if the regulations specifically outlined that, and stated that perhaps it should.

Mr. McManus also had a question on the sewers and the fact that it is permissible to place a sewer line closer to a waterline, if it is double lined. He asked if that is a decision that the Board of Health makes or the staff. Ms. Howell replied that it is a decision of the staff.

2. Board of Appeals

Mr. David Ryer, Chair, Board of Appeals reported that they currently have eight members of the board. A full complement is at five, so they have three alternates. They can have two additional alternates, but frankly eight is enough, since they let everybody participate in the hearings. Due to having the eight they have been able to have a full board of five members for every meeting this year. Members are sworn in and up-to-date with ethics training. For 2019, through their September meeting, they have 37 applications, 29 special permits are granted, seven variances are granted and five cases for both a special permit and a variance were granted. Those were for sewer pumping stations that needed a special permit for the building and use variance for the pumping itself. They had one request to overturn the decision of the Building Commissioner. That request was

denied by the board, and the Building Commissioner's decision was upheld. Not included were five cases from the October meeting that now have concluded. They had four special permits and one variance at that meeting, all were granted.

Mr. Ballentine said he had a general question on the number of actions that they have taken, and asked if they are pretty steady year to year? Mr. Ryer said he thinks it is pretty steady. He said a lot of homes are older, so they see a lot of people trying to redo them, or tear down, and this year they had no 40-B.

3. Real Estate and Open Space

Ms. Elaine Shovlin, Chair, Real Estate and Open Space Committee, reported that they have one vacancy on their committee, which they are taking an active role in trying to recruit someone for. They have excellent attendance for all of their meetings. All Committee Members have satisfied their Conflict of Interest Training and have all been sworn in by the Town Clerk. All agendas and minutes have been filed and posted, as they should be.

The Committee has made recommendations to the Affordable Housing Trust, regarding properties that may be suitable for affordable housing development. The Real Estate and Open Space Committee has made the commitment to attend Affordable Housing Trust meetings as often as possible and work closely with Affordable Housing Trust to provide affordable housing in Harwich.

The Real Estate and Open Space Committee has co-sponsored two CPA requests for funds. These were for Deacon's Folly Road, which was co-sponsored with the Conservation Commission and Affordable Housing Trust, and Cherokee Road, which was co-sponsored with the Conservation Commission.

The Real Estate and Open Space Committee has presented a list of properties to the Board of Selectmen which were recommended as priorities for Conservation, Housing and Water quality protection. These properties include, Town owned, tax lien, and owners unknown. The Committee continues to review, evaluate and visit properties for the purpose of making informed recommendations to the Board. The

Committee appreciates the support of Art Bodin, Housing Chair, Amy Usowski, Conservation Agent, Charleen Greenhalgh, Town Planner and Michael Lach, Harwich Conservation Trust. They also appreciate their liaison, Mr. Howell, who has been very helpful to them. Ms. Shovlin also would like to recognize Katherine Green who served for five years as Chair of their committee and was very supportive and generous with her time.

Mr. Ballantine said their committee is a very hard working committee.

4. Housing Authority

Mr. John Stewart, Executive Director, Housing Authority, commented that they have the report in their packet so he will touch on a few things that are not in there. Some of the capital projects that they are doing include, the last of the windows in their family housing, they have had to replace a septic system in their Long Pond units, and they are looking at doing some re-siding at the group home on Depot Road West. The state has launched their online application system, called the CHAMP, which has everything online, including the wait list.

Mr. Howell said, in general, when they are getting the reports, it is from the Committee Member, not the Executive Director. He added that it would be good to have them present next year.

Mr. McManus commented that the Housing Authority is missing a board member, and asked if that is an elected position. Mr. Stewart said that it is an elected position, and added if anyone is interested.

Mr. Howell clarified that it is not just anyone, they would need to hold an interlocking meeting to actually appoint someone. Mr. Ballantine asked for an outline of the process in case someone listening is interested, as far as being nominated and being elected as a board member.

Mr. Stewart said first someone needs to show interest, and typically they go to several of their meetings. They would then meet with the Board of Selectmen and the subcommittee, and have a joint meeting and then they are either appointed or not. Mr. McManus said the other way is when papers for election are out, they could take out nomination papers.

- B. Vote to approve the Administrator's recommendation to grant permission to NSTAR to install 1 40' Fully Owned (FO) pole labeled 1/29-5 on side of town road in Oak Street, Harwich

Mr. Ballantine commented that this will help the solar activity at the golf course, so it will benefit the town.

Mr. McManus moved to approve the Administrator's recommendation to grant permission to NSTAR to install 1 40' Fully Owned (FO) pole labeled 1/29-5 on side of town road in Oak Street, Harwich. Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

- C. Declaration of Selectmen's Holiday's - Discussion and potential vote

Mr. Clark explained that he is recommending that the Selectmen consider declaring the following days as half-day Selectmen holidays. This year Christmas falls on a Wednesday, therefore he would suggest having Tuesday, December 24, 2019 as a half-day Selectmen holiday. Also, New Year's Day falls on a Wednesday, and he would suggest Tuesday, December 31, 2019 to be designated a half-day Selectmen holiday. Town Hall would close at 12Noon on those days.

Mr. Clark continued that based upon discussions with the Chair, Administration will attempt to have short agendas for the following Board of Selectmen meetings; November 25, 2019, December 2, 2019 and December 23, 2019. This is due to limited days to prepare the agenda. Based on comments from the Chair, there will be no Board of Selectmen's meeting on December 30, 2019, as it is the practice of the Board to not meet between holidays.

Mr. McManus moved to approve at the Town Administrator's recommendation on the holidays and the designation of the meetings during the holiday season. Seconded by Mr. Ford. All in favor, motion carried by unanimous vote.

- D. Vote to approve the appointment of Stephen Duffy to the Harwich Accessibility Rights Committee as a full member – term to expire 6/30/21

Mr. Howell explained the reason it is being done this way. He had not participated in the interview but had told Mr. MacAskill to go ahead and do it. It was not adequately posted, which needs to be discussed for the future. He has no objection to this, and if Mr. MacAskill was present, he was sure he would have spoken in favor of it.

Mr. McManus moved to approve the appointment of Stephen Duffy to the Harwich Accessibility Rights Committee as a full member – term to expire 6/30/21. Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

- E. Vote to approve Winter Boat Storage License Agreements with Allen Harbor Marine Service, Inc., Harwich Port Boatyard, Inc. and portions of Saquatucket Harbor

Mr. John Rendon, Harbormaster, explained that before them is a request to approve a three-year License Agreement for winter boat storage, at Saquatucket Harbor. He had been in front of the board, a month or so ago, asking permission to submit a public notice to solicit interested firms, or parties, who were interested in leasing property at Saquatucket for winter boat storage. As the Board of Selectmen know, they have had a long history of providing a license with Allen Harbor Marine Service, which used to be over at Allen Harbor facility. Once it went over to a public access facility and the agreement with the State, they had to move it to Saquatucket Harbor. Their license expired in May, of this year, and so they put out another solicitation. They expanded to two areas; one is the area of the former Downey property, and the other area will be at the west parking lot of Saquatucket Harbor. In the packet is the bid form which was submitted, along with the site map. It was based upon square footage. They had two bids, one from Allen Harbor Marine Services, for Area A, and one from Harwich Port Boatyard, for area B. Each bid on a separate parcel.

Mr. McManus moved to approve granting the license for Winter Boat Storage with Allen Harbor Marine Service, Inc., Harwich Port Boatyard, Inc. and portions of Saquatucket Harbor. Seconded by Mr. Ford

Mr. Ballantine made mention that legal had made a comment, that they wanted a way out after one year. Mr. Rendon confirmed that it is an option for a way out after one year. Mr. Howell added an explanation for himself, because the license agreements are fine, as far as they go, but he has expressed this before,

when they had extensive discussions about whether to compete with local boat storage yards. So he is not going to vote for this, but not because there is anything wrong with the format.

Motion passed 3-0-1, with Mr. Howell abstaining.

- F. Amend for Community Preservation Committee (CPC) Funds for the Harwich Community Playground Board of Selectmen to be applicant and Monomoy Regional School District as co-applicant – Discussion and possible vote

Mr. Clark said that the application was by the Harwich Elementary School Parent Teacher Organization (PTO) and technically the property is owned by the Town of Harwich. It is leased to Monomoy Regional School District and they do have an agreement that outlines that arrangement.

Mr. Clark appreciated that the Community Preservation Committee (CPC) brought this to his attention and that in order for an applicant to have a project like this, it really should be the Board of Selectmen. They need to have signed off and have Monomoy as a co-applicant. The role of the PTO is important, as well. Before the Board tonight is an amendment to the application, which was submitted to the CPC, to include the Board of Selectmen as the applicant. As Mr. Carpenter indicated in the beginning, Monomoy Regional School District would be the co-applicant and then the PTO would be able to continue with the project. The presentation is tomorrow night to the CPC to request funding, this will enable us to be before the CPC in a more legally appropriate manner.

Mr. David Nixon, Chairman of the CPC, asked to clarify that the School Board is going to be the co-applicant. The next thing he would mention that the PTO has no standing in this. The Town of Harwich is the applicant, therefore, the project manager should be from the Town of Harwich, as he understands it. His recommendation to the Board of Selectmen would be to have the Town Administrator, or the Assistant Town Administrator, be the project manager.

Mr. Clark said that under procurement law, they are required to have someone qualified to do that, and the Town has two people in the organization with the credentials to be a project manager. The first would be the Town Engineer, Griffin Ryder and the other would be Sean Libby, Facilities Manager. Mr. Libby has run projects before and it would make sense for him to run it. The

threshold by state law is \$1 million, where this is under that, they have some discretion. The ultimate goal is to get it approved by the CPC. Mr. Clark suggested that if they are going to move forward, Mr. Libby could handle it and be able to work closely with the PTO.

Mr. Nixon asked to confirm if Mr. Libby would be available to do the presentation tomorrow evening. Mr. Libby is currently away and not available for tomorrow. Mr. Ballantine asked if they needed to vote on this tonight, which was confirmed because of the presentation tomorrow.

Mr. Howell said that one thing that comes to mind, is the lease agreement. The Town is indemnified by the liability policy of the school, which holds sole liability on the Elementary School and the property. What happens with turning it over, is there a legal opinion on this? He stated that the Town has never been an applicant.

Mr. Nixon said he did ask for a legal opinion, and he is waiting for that. The conversation continued about how to proceed and if a delegation could be made or the schedule for the presentation changed.

Mr. Carpenter said that he wanted to read to the Board the full motion that the School Committee made just prior to this meeting. It was moved that the Harwich Elementary PTO request the Monomoy Regional School Committee to be co-applicant with the Board of Selectmen for the new playground at Harwich Elementary School and to maintain the current Community Playground Committee, and Justin Tavano is the project manager for the CPC Act Funding Application for the Harwich Community Playground Committee at the Harwich Elementary School. It was voted by the committee unanimously. If the presenter has to be someone from Harwich, Mr. Tavano is a Harwich residence and he has been shepherding this project, and is well prepared to do the presentation.

Mr. Clark said going to the intent of the law, for some projects, you have to have a Construction Supervisor License, or be a PE. Mr. Libby has that and he will be back. Mr. Clark suggested that he join Mr. Tavano to do the presentation tomorrow, and then be able to turn it over to Mr. Libby.

Mr. Carpenter shared that Chatham is about a year ahead with the same project. There the PTO went to the CPC to look at replacing the playground at Chatham Elementary School, with the school as the applicant. The facilities

director has largely been the person working through the construction of the playground with the contractor. He does not want things to be held up with semantics and he wants the kids to have playground. He thinks they have a very qualified person to make the presentation to CPC.

Mr. Howell reiterated that Mr. Tavano is not an employee of the Town of Harwich, or the school system. The project manager would need to be an employee.

Mr. Ford asked how the Chatham project is being funded. Mr. Carpenter said it is being funded very similar to this one. Mr. Ford said he asked because the playground, once built, is under the control the school, certainly during school hours. So, a person who lives in the town, cannot use it during those times. It would not surprise him if people asked why it is not more on the plate of the school district. Mr. Clark said, that question has come up already, and it was posed to Attorney Giorgio, about restricting use and if it affected funding through CPC. He did not think that was an issue.

Ms. Janell Brown requested that they look at the values and the control of the playground, looking back to when the school committee was able to shut down the playground. She asked if the lease agreement had any type of verbiage that says that the Town actually has jurisdiction over non-school hours, and that the school committee does not have the ability to shut it down again or dictate the use for the general public.

Mr. Clark responded that based on the Intermunicipal Agreement (IMA), that was signed in December by both parties (Monomoy Regional and the Board of Selectmen), there were two things, one went to improve the grounds and structures and specifically says Castle in the Clouds, so both entities knew that they were contemplating doing that. In terms of the use, it states that Monomoy shall have peaceful and quiet use of the fields, on the Harwich sides, exclusively during school hours for student use. Harwich shall not schedule use on the fields during school hours. So the implied, outside of school hours, is the jurisdiction of the Recreation Commission. Ms. Brown said that the School Committee then, did not have the right to shut it down. Something to think about.

Mr. Justin Tavano, currently listed as the project manager for the playground, said that he had a conversation with Mr. Nixon last week. Mr. Nixon questioned the validity of the PTO as the applicant. Also, part of the

conversation was, if there was to be a transfer of the applicant potentially to the Board of Selectmen, with school district as co-applicant, regardless of when the transfer took place, he was told that he would still be the person presenting. So Mr. Tavano said he is just looking for some clarification and why he might not be the presenter.

Mr. Clark said that he has acted on behalf of the Board of Selectmen on different applications before. So, he could be present to represent the Board of Selectmen and then introduce Mr. Tavano as the person to present and explain the project. Mr. Tavano will be the primary presenter and he will represent the applicant. Mr. Ballentine confirmed that is the plan.

Ms. Tina Games, Chair of the Monomoy Regional School Committee said that her understanding was that they were joining as the co-applicant, but it does not sound like they are going to have any say. Mr. Ballentine said legally they need to be the applicant, and asked for the support from the school.

Mr. McManus clarified that because it is their property they need to be the applicant, but it is the School Committee's project. They have had no interaction on design or decisions, but they will continue to advise if there is a change to be made.

Ms. Games said that the Playground Committee has worked very hard and there is a whole educational component to this and she does not want that to get lost in the procurement process. Mr. Ford said that it has not, and they are all trying to facilitate this.

Mr. Howell said that if this were at the high school, with funding, they would have the right. However, this is town property and going through the CPC and whatever they voted, it has to be considered as a leased property and looking for funding.

Mr. Nixon said that he is trying to follow the guidelines and asked to confirm that the Town of Harwich will do the procurement process and be the applicant.

Mr. Dan Tworek, Town of Harwich resident, said he had a question on the CPC application process. He asked if the Board of Selectmen would be acting on their own application. Mr. Ballantine responded that they act to support it,

but they do not act on it. CPC articles go directly to Town Meeting. Mr. Tworek said that he was concerned about perception. Mr. Ballantine said they do not have that authority.

Ms. Brown spoke again, saying that she thinks the town should re-think this, the number and control of the application, to not give that much control to the school. Mr. Ballantine said the control is an interesting question that he would not touch, but through the procurement process they will look at the cost.

Ms. Noreen Donahue, asked if, when they get to Town Meeting, someone would come in with a completed bid. Mr. Ballantine confirmed yes. Mr. McManus said that once the project is approved and funded, they would like to see it go up as quick as possible.

Mr. Ford moved that, contingent on getting legal advice, they move forward with the application to the Community Preservation Committee (CPC) the applicant being the Town/Board of Selectmen for the new playground at the Elementary School. Seconded by Mr. McManus. Motion carried 3-0-1, with Mr. Howell abstaining.

Mr. Hugh Drummond asked if they were going to vote tonight on the money. Mr. Ballantine said that they are only voting on starting the process. Mr. Ford said that this just gets it started and to the CPC to be discussed.

G. Joint meeting: Board of Selectmen, Capital Outlay Committee and Finance Committee (Budget Calendar)

Mr. Clark explained that when the Board laid out their budget timeline, they had put in an opportunity for an early look and they have a joint meeting with Monomoy, Cape Tech, Finance Committee and Capital Outlay to discuss the following issues: 1. The state of the Town/Board of Selectmen budget message. 2. Monomoy and Cape Tech to talk about their initial budget and enrollments, and 3. Finance Committee talk about its priorities on the capital budget request.

Mr. Clark said that he is prepared to speak tonight on the capital budget, as the Capital Outlay Committee Chairman is not present tonight. Then just the outlook for 2020. Mr. Clark suggested turning it over to the two superintendents for their initial overviews.

Mr. Robert Sanborn, Superintendent, Cape Cod Regional Technical High School began by announcing that on Thursday, Nov 7th they will be entertaining all 7th and 8th graders at their Tech Night from 5:30 pm to 8:00 pm, so they can check out the facility. So anyone with a 7th or 8th grader, please come on over the Cape Cod Tech. He also noted that this will be the last year in the old building.

Mr. Sanborn said he was told to give a look ahead and also a little bit on enrollment. Their enrollment has been declining for several years, until this year. He is happy to say that they are up 47 students at the Tech, for the first year in many years. He can't say the same for the Town of Harwich. Harwich had 77 students in 2016 and 2017 at the Tech and 67 in 2018. For 2019, which is the October 1st enrollment that serves the FY21 budget, is down to 58 students.

From a financial standpoint, for the Town of Harwich, the budget this year is going to have a depression on the cost for the new school in FY21, because that is done on an enrollment percentage. This is only about a 6% budget, which is not where they will end up. This is just preliminary and he sees them coming in around the 2% to 3% increase range. The Town of Harwich in the last two years went from 13% of their enrollment, to 11% last year, and now it is about 9.4%. Those percentages will be used as a factor towards the loan at the new facility, which is a 20-year level principle, which means it is the declining amortization schedule given steady enrollment. So, the assessment for the enrollment percentage would have been less this coming year, because of the level principle 20 years at 3.3%.

Looking at FY20, they had done some small short-term borrowing of about \$7 million. They ultimately borrowed \$75 million in total, and as a part of that paid-off the short-term borrowing, which went into an assessment of \$910,000 last year for the new building. Of that, \$895,000 was for the debt and the \$15,000 was the short term interest on the borrowing they did. He sees the payment going down, just because of the amortization schedule and then the declining enrollment and the enrollment percentage. All factors lead to a lower percentage, but what that will look like he is not quite sure. It will be measurably lower for FY20, and that is for the cost of the school.

In October of this year, they reached the anniversary of the vote of the 12 towns to build the new facility. They broke ground in January, the steel was finished in May, and they hope to be moving in in June.

With regard to the operating budget, he sees that coming to the 2% to 3% range, when all is said and done, they are trying to accommodate 47 more students. Most of that can be done with current funding, but they will also have some unknowns, and moving to a new building with some ironing out through the budget process. He does not see that assessment increasing for FY21, primarily because of the dropping enrollment for the Town of Harwich.

Mr. Howell just wanted to make mention that he would still like to see Jimmy Marceline's name on a field, or on the entrance of the building, just something because they would not be there if it wasn't for him. Mr. Sanborn agreed that Cape Cod Tech would not be there without Jimmy Marceline, but he has a board to deal with as well, and there are some things being discussed, but nothing he can promise.

Mr. McManus asked about the disposition of the concrete when they go to tear down the old building, and how the high school was used to build the fishing reefs, and there are a lot more reefs permitted out there. Mr. Sanborn said that they have looked at that.

Mr. Sanborn also announced that they will be having Skills USA and a crafts fair this weekend at the school. There is plenty of parking, and coming will support the students and Skills USA.

Mr. Carpenter said there was some good news for Monomoy, they just finished this past week their New England Association of Schools and Colleges (NEASC) accreditation. It was the same accreditation at Harwich High School that brought Monomoy together. The chair of the organization gave quite a glowing verbal assessment and they all commented on the facility they have at Monomoy Regional High School for the children. They were referring to all of those involved in the building project and the upkeep of the building as rock stars.

Following that, about two weeks ago, they held a meeting formally closing out the Monomoy Regional High School Building Committee, and the last little piece of funding was discussed. That project happened on time, but also \$8 million under what the tax payers and the two towns voted on. So, his hope is, as they talk about playgrounds and such, that they remember not every project goes over budget and it was really thanks to the stewardship.

Also, the State goes through and does an accountability rating of school districts and our district has the highest accountability rating of K-12 districts on Cape Cod. Monomoy has the highest accountability rating of Middle Schools on Cape Cod and our Harwich Elementary School is one of the highest rated Elementary Schools on Cape Cod. Also, the High School has seen dramatic improvements in its accountability rating. From that perspective, the School District is doing well. The accountability rating looks at a broad range of variables, including everything from testing scores to student attendance. The state used to just look at MCAS scores, but not necessarily graduation rates. It now looks at the whole picture for students' long term success. The school district can be proud of their improvements over the past couple of years.

In terms of enrollment, the numbers are up this year. The enrollment for Harwich is up three students, but down 25 students in Chatham. Mr. Carpenter also shared the three year rolling averages when it comes to foundation enrollment. This is the number of students in Harwich or Chatham that attend other schools, other than the Tech, such as charter schools or another school district. That number over the last ten years, FY13 - FY21 has almost shifted over 4% toward Harwich, from Chatham. This is a good problem to have, as it shows that there are still young families. Chatham is looking at initiatives to keep young families there. In Harwich, if we look over the last 10 years, we are seeing a slight decline, but not at the rate that Chatham is seeing. Looking into FY21 there is a rather large blip on that enrollment percentage, because it is based on a three-year average. So from FY20 to FY21 we are seeing a .9% shift in the foundation enrollment. Transportation is the next item and that is based on actual students sitting in seats over the year. We have seen a .5% increase in this number. He anticipates seeing a slight increase in the overall assessment towards Harwich that will be a little higher than what will happen towards Chatham.

Mr. Howell asked what the all in is for kids that can be enrolled at Monomoy Regional High School. Mr. Carpenter said that the high school was built for 700. When they first built the high school they recognized the need to manage the number of school choice coming in at younger ages, so they did not get over populated in the high school. The high school right now is at 640 and they anticipate another 35 students there next year. Over the course of the next several years, it will tick up to the 700, but then they will look for it to tick down. The cohort in 7th grade, which is the biggest at 184 students, will come up to the high school next year, with 124 students graduating, and that will continue to happen over the next few years.

Mr. Clark reported on the Capital Outlay, which he worked on with the Capital Outlay Committee. The document which is dated October 28th, is an overview of the spending plan. He said that he will just run through some of the larger elements. For FY21 under Administration, they do not have any requests. He was hoping if there was sufficient money to do the sidewalk on Route 28, but there was not sufficient money, so that will be moved to 2022. For the Affordable Housing Trust there is \$550,000 and the funding source would be from the CPC, so that is a request before them tomorrow night. Deacons Folly land acquisition is \$1.2 million, theoretically half of that will be open space and half of it will be housing. It is still a work in process.

The cemetery has some projects in the works, and one aspect is that they are applying for a grant to do some work at Island Pond Arboretum. The Community Center has no projects for FY21. Conservation has no projects for FY21. Engineering has what is called MS4, which is taking certain drainage areas throughout the community that go into certain ponds and other water features, and making some improvements to take out some contaminants that go into the municipal drainage plan. That can be done on a per unit basis, so the request is for \$100,000, but to meet funding constraints they will try to get that down to \$50,000. It is about \$5,000 per unit. The crossing lights at Depot Road is a CPC request. For Facility Maintenance at DPW; He does recommend funding for the Brooks Free Library Roof of \$148,500, under free cash.

These are his recommendations. The column for the Selectmen is still waiting to be filled in, once they have a full review. The ADA has a request for a grant to be submitted for \$350,000. If the grant was to be obtained, Matt Hart has been doing a lot of work on this, and that money can be used can be used for an ADA review that they have done on different town buildings.

Replacement of the transfer station scale decking is needed and is indicated as a higher priority, at a cost of \$55,000. The Cultural Center had a generator that was anticipated to cost about \$70,000, but the intent is to take that off the plan and use the generator from Station 2, which will save that money. On other items for FY21, the Fire Department has taken a few things off as well, such as lockers. They do have an ambulance replacement, which will be \$378,000 and will be funded through free cash. They also have an air pack replacement, which will be a grant program for \$380,000. The Chief last year had put in a request for a pumper and a ladder which was about \$2 million, but he has instead decided departmentally to buy what is called a quint, which is a pumper and a ladder combined and will be \$1.1 million. We do not have exclusive funds for this, so the administration's recommendation is

for it to be funded by a debt exclusion. The golf department has various projects, all of which is funded through their improvement funds or their golf budget. Mr. Clark noted that one thing he found interesting is that Mr. Roman Greer, Golf Director, is contemplating working with the golf committee to add an additional three holes for a practice and putting course.

Mr. Clark continued that the Harbormaster has projects in outer years, so he does not need to refer to that. The Library also has outer year projects, and Natural Resources does as well. Police only has their Taser replacement, which is in the final year of a five-year lease arrangement. Public works has their road maintenance program which has been a long-standing program. This was not funded last year by the voters, so it was not approved, but historically they have done it for \$700,000 under debt exclusion and would pay off within five years, which is tax neutral. Chapter 90, which is a gas tax money and comes back to the town, is about \$700,000. So about \$1.4 million is allocated from that.

In regards to vehicles, Mr. Hooper sought to have three vehicles replaced. The first would be \$175,000 for the six wheel dump truck- there are insufficient funds, so that was not recommended. The Ford E250 van would be \$35,000, which is being contemplated, and the catch basin cleaner for \$215,000 is also being contemplated. Youth and Recreation has three programs, all of which have funding being sought through the CPC- the Brooks Memorial Field fencing project, Sand Pond revitalization and White House Field lighting improvements. The Town Clerk has a few in the outer years. For Wastewater, the number submitted is the formal request to do Phase III. The DHY obligation is \$1.5 million in FY21 and \$8.4 million is a contemplative amount for Phase II, contract three. Both of those would have to be done as debt exclusion. Water has new source exploration of about \$250,000 that would come from water revenues. The total request that came in was \$18.4 million, with about \$4 million of that being CPC related funding requests, and nearly \$10 million is wastewater.

On the last page he broke out where free cash would be about \$866,000. The Community Preservation number would need to be adjusted, based on how the committee votes. Debt exclusion would be about \$11.7 million, grants \$873,000, golf funds just under \$200,000, chapter 90 is \$700,000, and \$250 for water enterprise funds with operating budget of about \$50. The other two items he has are free cash of about \$1.4 million, which is the \$866,000 he just alluded to on the capital and they allocated \$400,000 for snow and ice. There is no additional funding for op-ed and no funding for stabilization. The Cultural Center subsidy, which they have had for six years, was decreased from \$125 down to \$100, because they are making more

money. Chamber of Commerce they traditionally fund \$30,000, the Library \$20,000, Cultural Council \$3,600 and \$15,000 for small capital, and unpaid about \$10,000. So, it is recommended that the \$1.4 million be allocated this way.

Community Preservation has \$3 million available, and they have it broken into buckets which the money goes in. For instance Housing has about \$500,000 in the Housing bucket, and the requests are only \$120,000, so even if they funded all their requests they would still have reserves and money available in that account. The reason for putting this out there is the request total was almost \$4 million and there is only \$3 million there. For those that are not familiar, the CPC is tax money that is dedicated for specific purposes such as, recreation activities in the community, open space, historic and affordable housing.

Mr. Ballantine asked about the CPC and if this includes the debt payment, if there is additional money coming in, and whether that goes to debt payment. Mr. Clark said yes, there is \$530,000 for the debt payment. The land bank debt, will be paid off in 2024.

Mr. Howell said that other towns have looked at the CPC on a level of funding, and what the percentage is from the Town versus the State, in an effort to try to get some of the borrowed amount to the wastewater projects. He said that at some point in time they should have some discussions. Yarmouth by contrast, in their scenarios, said that they do not expect it to have a negligible effect on their tax rate.

Mr. Ballentine said that they will have a series of meetings going forward to discuss this more, in greater detail. This is a preliminary discussion to set the stage. As far as the Board of Selectmen goes, they are trying to operate the Town, but have great concerns over the money being spent. They have asked to minimize by a 2% ballpark the commitments that have been made, but they are having serious discussions on those. They will be looking at capital outlay, because \$18 million is nothing to laugh about. He hopes that they will have a lot of participation from town residents.

CONTRACTS

A. Vote to Approve - Champion Salt LLC – FY 20 road salt contract in the amount of \$107,780.00

Mr. Powers first explained that both items A and B we're presented last week and they were waiting on the return of signed copies from the vendors.

For this one, he spoke with the DPW Director earlier today, despite the suggestions from the vendor, the Road Salt Contract has not been returned yet. It was expected today and he would ask the indulgence of the Board, if they were to award the contract and once it arrives it can be circulated for signatures. Mr. Powers explained that it is not the fault of staff, they just do not have the original on hand yet from the vendor. The contract has been reviewed by the Finance Director and she has confirmed funding, so when it arrives, they do expect her signature without question.

Mr. Ballantine asked if there was any issue with waiting a week, till they have the contract. Mr. Powers said that would be ok to do.

Mr. McManus asked what the purpose is for waiting. Mr. Howell said the point is we are signing it, and he would like to see what they are signing.

Mr. Powers said that they received a scanned copy, but not the original, and he confirmed that it would not matter to wait a week on this one.

B. Award of Allen Harbor Jetty Project Contract — GEI Consulting - \$57,000.00

Mr. Powers explained that they did submit an original signed contract, for this one, but not before the Finance Director left to go on vacation. However, the Finance Director had reviewed and signed a copy of this. He would ask that the Board award the contract and when the Finance Director is back tomorrow, they will get her signature. This is so the Harbormaster can proceed.

Mr. Ballantine asked the members of the board, but thinks that it would be good move this forward. This was discussed last week and everything is now in place. Mr. Powers confirmed it has been vetted by staff and vetted by an insurance carrier and by counsel.

Mr. Ford moved that they approve the Allen Harbor Jetty Project Contract — GEI Consulting - \$57,000.00. Seconded by Mr. Ballantine.

Mr. McManus said that he has not received a good reason why they need original signatures, but they should remain consistent. Mr. Howell also added that he will vote on this tonight, but would like to see the related documents in their packet in the future.

All in favor, motion carried by unanimous vote.

C. Approval of Funds - FEMA-4097-DR-MA Hurricane Sandy - \$46,865.49

Mr. Powers said that retired Deputy Police Chief Tom Gagnon received notification, about two weeks ago, from MEMA that a FEMA reimbursement had been rewarded to the town for 75% of the costs from Hurricane Sandy. It has been vetted, and they have confirmed everything. It is his recommendation that the Board have a motion to accept the reward of the FEMA reimbursement funds totaling \$46,865.49, and further to authorize the Chair to sign the appropriate and necessary paperwork to access said funds, which is the State's standard contract form and their back-up materials.

Mr. Howell moved to accept the reward of the FEMA reimbursement funds totaling \$46,865.49, and further to authorize the Chair to sign the appropriate and necessary paperwork to access said funds. Seconded by Mr. Ford. All in favor, motion carried by unanimous vote.

TOWN ADMINISTRATOR'S REPORTS

A. RJV Construction Contract

Mr. Clark reported that he was asked to do some research on this and they do not have the material ready to go for tonight. They did do a letter, after the Board had approved it. The way the process works is that they need to send an authorization for an acknowledgment showing that there is an intent to award. Then the contractor will sign the necessary paperwork, and get the necessary bonds. So that is in process.

B. MRSC votes related to the playground / Demolition

Mr. Clark reported that they discussed this relative to the playground, and the demolition. He was asked provide verification that Monomoy had done that, which they had, and that is included in the packet.

C. Noise Bylaw

Mr. Clark said that he was asked to do a little research under the noise bylaw, as to where the 150 feet came from. They are in the process of putting a request in to the town attorney, to get some material for background on that.

D. Chief Procurement Officer

Mr. Clark reported that he did go through the process and was recertified as Procurement Officer.

E. Budget Discussion

Mr. Clark said that the budget discussion is online and he had done some regional elements as well. So, those two pieces are online under the Accountant section of the town website.

F. Town Administrator Statement

Mr. Clark read a statement to announce that he will not seek reappointment as Town Administrator. He will continue to be on a leave of absence through the end of his contract date, of June 30th.

Mr. Ballantine thanked Mr. Clark and added that they will take this time to reassess where they are going and get ready for the upcoming year.

SELECTMEN'S REPORT

Mr. Howell said that he appreciated Mr. Clark's sentiment. He also made note that the Cultural Center on Sunday had an event to raise money for the Children's Center, and as usual, it was a great event. Both Ms. Carolyn Carey, Director and Ms. Erica Strzepek, Program Aide, for the Cultural Center, did a terrific job.

Mr. Ford said that he wanted Mr. Clark to know how much they appreciated how he handled this and his contribution to the Town.

Mr. McManus agreed with Mr. Ford and thanked Mr. Clark for all that he has done for the Town over the years, and the way he has approached where they are right now. Mr. McManus also added an announcement for a concert that is going to be held at Monomoy Regional High School on Thursday, November 21st at 7:30 PM. It is a concert called Child's Play, and the name refers to a nonprofit organization that Robert Childs formed to support students going into the field of instrument

making, specifically violins. These concerts have been held over the last 10 years and this is his final tour. It will raise funds for Childs Play, as well as for the Harwich Cranberry Festival Scholarship Program.

ADJOURNMENT

Mr. Howell moved that they adjourn at 8:50 pm. Seconded by Mr. Ford. All in favor, motion carried by unanimous vote.

Respectfully submitted,

Lisa Schwab
Administrative Assistant