



APPROVED

RELEASED

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN MEETING ROOM  
Tuesday, November 12, 2019  
6:30 P.M.**

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

**ALSO PARTICIPATING:** 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 dispatch negotiations and salary and they voted to that end, so they will be moving ahead with their contract and negotiations of salaries going forward. They also reviewed a litigation matter that is ongoing, and may be on going for some weeks.

**WEEKLY BRIEFING**

Mr. Joseph Powers, Assistant Town Administrator, said that he first wanted to make the Board aware of some addenda documents, which they should have. The first is related to the upcoming hearing on the tax rate, which was provided by the Finance Director, in response to Mr. MacAskill's question. Second, in regards to the item under New Business, item E, (Request for approval for Hawkers & Peddlers license for Pilgrim Lodge to sell Christmas Trees and waive associated \$60.00 fee) there is a copy of this showing that all departments have signed that document, as required. Also, they received an email this afternoon from Mr. David Young, CDM Smith, regarding actions taken by both Dennis and Yarmouth relative to peer reviews that will be coming up. And lastly, in the packet is the signature page for the Champion Salt Contract, which will come up later on.

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

The one week look ahead, for the week of November 11<sup>th</sup>, the Mainline Sewer Crew #1 will continue installation on Route 39, west from Spence's Trace,

which necessitates a detour. The Mainline Sewer Crew #2, will continue installation on Route 137, also with a detour. The two week look ahead for the week of November 18<sup>th</sup>, the Mainline Sewer Crew #1 will continue installation on Route 39, west from Spence's Trace, again utilizing a detour. The Mainline Sewer Crew #2, will continue installation on Route 137, again with a detour. The three week look ahead, which is important because it is the week of Thanksgiving, first there will be no work conducted on Thanksgiving or the day after. However that week, Mainline Sewer Crew #1, will continue installation on Route 39, west from Spence's Trace, now working on service and sideline stubs. Mainline Sewer Crew #2 will commence installation on Ellis Drive, which is scheduled to be for three days only.

Mr. Ballantine asked if Mr. Powers had heard any word, if they feel that they are on schedule. Mr. Powers said that he has not had conversations with anyone, but would follow up tomorrow. Mr. MacAskill asked if they could add any change orders that have been submitted, to that request. Mr. Powers said that he knows of at least one change order that will be coming before the Board next week. It was submitted by Chief Clark, so they have at least one and he will look for others.

## **PUBLIC COMMENTS/ANNOUNCEMENTS**

- A. Ms. Carolyn Carey, Director of the Community Center, reminded everyone that there is a week and a half left to drop off any packages for Cape Cod Cares for Our Troops, so they can get things packed up and get them where they need to go. Everything that is donated goes to a person who is serving from the Cape.
- B. Ms. Jamie Goodwin, Station Manager, Channel 18, had an announcement in regards to the sewer lines. She explained that they sent the Channel 18 drone down on Route 137, and it was flown over the deep trench and down into the trench. They are just waiting for Robert Our to give the ok, and they will be airing that this week on their social media page and the home page of the website.

## **CONSENT AGENDA**

- A. Minutes:
  - 1. May 28, 2019 Regular Session

- B. Vote to approve Caleb Chase Fund request in the amount of \$800.00
- C. Vote to accept the resignation of Gary C. Miller, Harwich Accessibility Rights Committee, effective 10.31.19

Mr. Ford moved to approve the Minutes from May 28, 2019 regular session, to approve the Caleb Chase Fund request in the amount of \$800.00, and to accept the resignation of Gary C. Miller, Harwich Accessibility Rights Committee, effective 10.31.19. Seconded by Mr. MacAskill. All in favor, motion carried by unanimous vote.

## **PUBLIC HEARINGS/PRESENTATIONS**

- A. Decision on all property will be taxed at the same rate for Fiscal Year 2020 as set forth in Chapter 40, Section 56 of the Massachusetts General Laws.

Mr. Richard Waystack, Chairman, Board of Assessors, said he was accompanied by Vice Chair, Mr. Bruce Nightengale and Mr. Jay Kavanaugh, as well as, Ms. Donna Molino, Assessing Director. He is happy to be there for the 14<sup>th</sup> year making a recommendation, on behalf of the Board of Assessors, to the Board of Selectmen.

Mr. Waystack explained, for Mr. Ford's benefit, the process they have gone through, and explained that the Board of Selectmen have the final decision on how they tax their tax payers in the community. He said that the Board of Assessors make a recommendation to the Board of Selectmen, based on a lot of research, a lot of due diligence, and looking at a number of different factors. This year a couple of communities have looked at residential exemptions, which they had looked very closely at. They attended a presentation by the Department of Revenue, which reviewed the process of setting a tax rate for communities and it also delved into the residential exemption. They concluded as they have for many years, and recommend to the Board, that they approve a factor of one and tax all of their property at the same rate. Also, that they do not grant an open space exemption, that they do not grant the small commercial exemption, and most importantly that they do not grant a residential exemption. Mr. Waystack explained that there are a number of factors for that, which he can review if needed, but it is quite extensive. The Board of Assessors is charged with establishing a fair value of this community, which is now valued at almost \$6 billion. They represent all of

the taxpayers, and all the residents of this community, and trying to treat all of the residents and all of our taxpayers the same, can be difficult.

Mr. Waystack further explained the issues of having a residential tax rate, and how it would change the tax rate. He said that it will impact people who are currently residents, year round who have a value that is greater than a certain number, based on what they decide for residential exemption.

So, for the 15<sup>th</sup> year he again recommended that they vote a factor of one, but they do not allow either an open space, residential, or small commercial exemption.

Mr. Waystack continued that they filed legislation three years ago in the House, and it was approved, allowing them one of the highest senior tax exemptions in the Commonwealth of Massachusetts. This allows their Senior Residents, if qualified, up to \$3,000 off of their tax bill.

He further explained that he will be coming back to them later this evening with an update on their Board, and talking about the tax rate and what the impact is going to be. It has not been certified yet by the state, but there will be some surprises there, and they should be aware of it because it will have an impact across the entire community.

Mr. Waystack passed out some information on the tax rate to the Board. He explained that the value of the community is close to \$6 billion. Normally when you see an increase in value, there is somewhat of a corresponding decrease in the tax rate. That is not proposed this year; and they are looking at actually having an increase in the tax rate, with an increase of the value of the community. He reminded everyone that the Board of Assessors is responsible for the valuation of the community, and for the regulatory abatements and credits. They do not deal with the spending of the community. The tax rate will be increasing \$.06 per thousand. This is directly related to the spending that has been authorized at Town Meeting. The Town's value has gone up over 5% in the community, this is the first time in his history, that we have seen a corresponding increase in the tax rate.

He mentioned that when the tax bill goes out, people have the opportunity to challenge the value of their property through the abatement process. It is imperative that people understand an abatement application is not to challenge what they are paying in taxes. The abatement process is to challenge the value

of their property. When people see their tax bill, they see their taxes are going up, they see the tax rate has gone up, they see the value of their property at an average across the board has increased by 5%. The average property in town right now is at \$568,000. If you have an average property, the tax bill will be going up by over \$260. Mr. Waystack said that it is imperative to remind everyone in the community that the Board of Assessors is responsible for the market valuation of the community, not what people are paying in taxes. That is the responsibility of every taxpayer, who attends the meeting.

Mr. Ballantine repeated that the increase in taxes will be based on the average value, assessment increase, plus the increasing tax rate.

Mr. Waystack said again, the actions taken at Town Meeting dictate what people will be paying for their taxes in this next tax bill.

Mr. MacAskill brought up that there is an additional \$32 million extra that was authorized; but has not been issued yet. The tax increase this year is not based on 50% of what has already been authorized. There is another \$32 million that they will be spending before going back to Town Meeting this year. He said that as they vote things at Town Meeting, or as the Board proposes them, they should be proposed with what the tax impact will be to the residents.

Mr. Waystack said that they have the document in front of them with the summary from the department and it is important to know that by looking at the averages; the average increase from 2017, average property was \$475,000, the average increasing the taxes for that property was \$85. In 2018, the average value for the average home 506,000, that year increase in taxes was \$195. Last year increase of the average property was \$542,000, the average increase in taxes was \$242. This year we are at \$568,000, with taxes at a \$262 increase.

Neither the Assessing office, nor the Board of Assessors, has anything to do with increasing any person's taxes. What they do is a fair evaluation of the Town's property value.

Mr. MacAskill asked if Mr. Waystack could talk about valuation for a minute, and why the middle school for instance, is valued at \$12 million. Mr. Waystack responded that it is a function of what that Department of Revenue requires them to do, it is not there. Mr. MacAskill said that they had an offer

of \$660,000, and would like to know how it can be kept on the books for \$12 million. Also, he asked what they pay for insurance on something like that.

Mr. Waystack recommended that the Chairman file an abatement on behalf of the Town to the Board of Assessors. They would be happy to listen to any abatement application that is filed timely, between January 1<sup>st</sup> and February 1<sup>st</sup>, of next year.

Mr. MacAskill added that it would also be the case for all buildings, and he would like to understand the valuations on these. Mr. Waystack added that some things are out of their hands, and the State dictates values of public buildings of that nature.

Mr. Ballantine said this is educational and asked how they arrive at private values, and asks whether it is based on sales. Mr. Waystack said it is supply and demand, as the market dictates value. There is a third party vendor that verifies values, and the values are based from a year ago.

Mr. McManus moved that they first select a factor of “1” (taxing all property at the same rate), second that they do not grant an open space exemption, third that they do not grant a residential exemption, fourth that they do not grant a small commercial exemption. Seconded by Mr. MacAskill.

Ms. Kelly Burkard, resident from Sugar Hill Drive, had a question about when Mr. Waystack said there is an increase overall, that there is usually a decrease in tax rate, and asked if Mr. Waystack could explain why they are going up and not down.

Mr. Waystack said, “normally” is the key word. He explained that by law, by statute, they cannot use an increase in value to increase the tax levy limit. The Town has an intricate formula to see how much they can tax. They cannot say they will raise the value of the Town to raise taxes to the community. The formula is dictated by the Finance Department, and they tell us what our levy limit is each year, based on that valuation. State law dictates that we cannot increase our levy limit the amount that we can tax more than 2 ½% per year, unless voted by the tax payers, at an override or capital exclusion. So, they are at a levy limit, and normally if the value goes up, the tax rate goes slightly down, because they can not increase the levy limit. However, at Town Meeting, if those who attend town meeting wish to expand spending, they have a right to do so. If the Selectmen make a recommendation for an

exclusion or an override, it is then put out to the general public to vote, and that is what has happened this past year. Mr. Waystack further explained how the spending impacts the tax bills.

Mr. Howell said that Mr. Waystack was right, they borrow things, but to be clear, where they are at right now, does not include the borrowing that they authorized in 2018 for the \$24 million sewer system, the \$5 million new fire station, and the debt for the Tech School. Those will come in January.

Mr. Sandy McLardy, resident, asked about the one to one ratio for residential homes. He asked if it is similar to what Provincetown did, where year-round residents are taxed different than part-time residents. Mr. Ballantine confirmed that it was. Mr. McLardy continued and asked of the 16 communities that have opted in, have they all been disasters, or what has been the outcome on average. He also added a comment about trying to keep it fair. He said an argument for the unequal rate could be that a smaller percentage of income would have to be spent for necessities by a wealthy homeowner versus someone at the lower end of the spectrum. He added that another way to look at fairness, would be the cost for surviving on the Cape. Maybe that is why places like Provincetown, which need a work force and don't have one that lives there, would be more interested than other places in Massachusetts.

Mr. Waystack responded that it was an excellent point, and said they have had that discussion over the last few years. If they were to do a residential exemption, that would impact about 5,200 properties in town. They have approximately 12,000 properties in town. So, it would impact less than half, however, what they are trying to do is help those in need in the community, whether older, those with sight impairments, or honored Veterans. What they have done is to go to legislation to help seniors that want to stay in their homes, making the senior tax credit now up to \$3,000. Mr. Waystack said that they have been working on this, and they plan on visiting another exemption from the Department of Revenue, which will take legislation for them to do so. They would like to expand it to younger people, families, and people struggling to afford to live here, but it is not available at this time. They will need legislation in order to do that. He said they are trying to be proactive to assist the residents in this community.

Mr. MacAskill asked if there is data available as to how many towns on the Cape do offer residential exemption, and asked if he could send it to the Board. Mr. Waystack said yes, and he believes it is three.

All in favor, motion carried by unanimous vote.

## **NEW BUSINESS**

### **A. Annual Meetings with the Board:**

#### **1. Council on Aging**

Mr. Waystack, Chairman, Council on Aging Board of Directors, was present on behalf of the Council on Aging. He pointed out that Ms. Emily Mitchell, Director, Council on Aging, was also present and has been doing an outstanding job.

Mr. Waystack said that they have the full report in their packet, and he will not read through it. However, one of the tremendous investments that was made and assisted by the Friends of the Council on Aging was the My Senior Software. He said that for years they have been asked to provide the data of how many people have been using the services, and utilizing the Community Center through the Council on Aging. This software has been exceptional and allows them, with a key tag, to track every person that accesses the program. They can now track data, which has been a game changer for the Council on Aging.

One weakness they found this year, is that the last time any strategic planning was done was over 10 years ago. They will be embarking on an opportunity to look at strategic planning and he will try and make it budget neutral. They will look at where they are going as an organization, and the type of services that they need to provide for their older adults. There are many needs; healthcare, transportation, feeding programs, etc. He said that is the brief report and they are happy to answer any questions.

Mr. MacAskill said great job to the Council on Aging, Friends of the Council on Aging and to Ms. Mitchell. They hear nothing but great things about the Council on Aging.



Mr. Ballantine said that they all agree with that. He asked if there are any surprises in the data that they are finding and also wanted to know how outreach is going, if they are reaching the people that they don't know about.

Mr. Waystack said that is an excellent question. He had done a report about this, and they now have a liaison from the Fire Department that sits on their council. The liaison with both Fire and Police, has expanded their outreach dramatically. Mr. Ballantine mentioned that they have an Accessibility Rights Committee, and he would like to see some more interaction between both groups. Mr. Waystack would love to have them attend their meetings.

## 2. Board of Assessors

Mr. Richard Waystack, Chairman, Board of Assessors, said, for people to understand, Mr. Nightengale, Mr. Kavanaugh and himself are required, by State law, to be certified. They have to take a course to be able to deal with the regulatory issues that they are responsible for. He said that they are an advisory board and a statutory board. They do not deal themselves with the operations of the department as that is the Assessing Directors job. They are there for policy.

Mr. Waystack said that he is proud of the Board of Assessors. They have been so proactive in expanding the senior tax credit. They do the due diligence necessary to guard the money of this community. They have an overlay account of \$460,000 that they utilize for their abatements and for the assistance to the community members that are in need. They are very diligent about that and they take their roles very seriously. They have a full board. They are educated and they love the work they do. They care about the town and its citizens.

## 3. Finance Committee

No report.

## B. Vote – Chapter 90 Project Request – Lower County Road Patching

Mr. Powers said that the request of staff is to hold off on this item because there is not a resulting contract to go with this.

Mr. McManus said, based on the Assistant Administrators request, he moved that they vote to table the Chapter 90 Project Request – Lower County Road Patching till such time that a contract has been developed. Seconded by Mr. Ford. Mr. Ballantine requested that this come back for December 2<sup>nd</sup> meeting. All in favor, motion carried by unanimous vote.

C. Vote to endorse CPC Grant Agreement for Cape Housing Institute in the amount of \$7,500.00

Mr. Howell said that generally the Harwich Community Preservation Committee (CPC ) requests the funds to defray the cost to putting it on the Cape Housing Institute, and that is what the grant request is for.

Mr. MacAskill asked if there is any back up document saying how many towns they are approaching, what the cost to run it is. Mr. Powers said he has not been privy to any information, nor could he find any, but he could endeavor to get that. Mr. Ballantine suggested they bring this back. Mr. Howell said it was voted at Town Meeting. They are dispersments made for approved funds.

Ms. Mary Maslowski, board member of the CPC, said that she could share some information. She said that typically the CPC has a grant agreement with third party agencies. The one they are looking at, relates to last year funds, not upcoming funds. So it is merely putting the contract in place between the Town and the CPC and the CDP, which has been committed. It acts as the contract between the three parties, and the use of the funds.

Mr. MacAskill asked if this is the first of the grant of the agreements that Mr. David Nixon, Chair of the CPC, has been mentioning. Ms. Maslowski said that is correct and this is the one which they signed at last weeks meeting. Mr. MacAskill asked why this is the first time they are seeing it, and asked if it was reviewed by an attorney. Ms. Maslowski said that she believed it was.

Mr. Howell said he appreciates what Mr. MacAskill was saying, but he has seen this before, and the CPC runs parallel to us. It has already been voted and incumbered from their funds. It is a requirement that we countersign the grant agreement going out, which is what this is about.

Mr. MacAskill thanked him for the explanation, and said that they have never voted a grant agreement in the four years that he has been on the Board. So this is new process that has not been spelled out to them. Mr. Howell said yes. Mr. MacAskill asked if they could have a presentation on this.

Mr. Ballantine asked Ms. Maslowski if this was time sensitive, or if it could wait a week. She responded that she would speak with Mr. Nixon. Mr. Powers said that he could work with staff on vetting this. This item and the next one are two different years of funding.

Mr. Ford said he has spoken with Mr. Nixon and he is sure he will come in and speak. Mr. Ballantine confirmed that they will have this come back and have Mr. Nixon available to provide a presentation.

- D. Vote to endorse CPC Grant Agreement for Habitat for Humanity in the amount of \$300,000.00

Mr. Ballantine confirmed this will be brought back, with the above.

- E. Request for approval for Hawkers & Peddlers license for Pilgrim Lodge to sell Christmas Trees and waive associated \$60.00 fee.

Mr. MacAskill moved to approve the request for Hawkers & Peddlers license for Pilgrim Lodge to sell Christmas Trees and waive associated \$60.00 fee. Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

- F. Request for approval for one (1) one day alcohol license permit for Wychmere Beach Club. The event will be held at The Wychmere Beach Club on Saturday, January 18, 2020 from 5:00 PM – 11:00 PM for a corporate holiday party

Mr. Powers said this was in response to Mr. Howell's question. It would not be proper for the Board to grant this license, because the establishment requesting it, is a licensed establishment, even though it is a seasonal license. The ABCC is clear, that they cannot hold any other license during their dormancy period. Their license does expire on January 15, 2020. They were requesting the one-day license for January 18<sup>th</sup>, and that is not allowed by law.

Mr. MacAskill asked if they could extend their license to the 20<sup>th</sup>. Mr. Powers said they could not, it was not allowed under ABCC. They could look at moving their date.

Mr. Howell said that he has held a seasonal license, and the way it works is the licensing authority, which is the Board; has guidelines that the State issues. He said it is straight forward and in this instance the dark period after January 15<sup>th</sup> cannot be extended. Mr. Ballantine said their only option is to move it back.

Mr. McManus said for them to run the bar for their event, it would require them holding two licenses, which is prohibited, but can they bring in a bar service. Mr. MacAskill said that they are an important business in town and it would be good to help them. Mr. Powers confirmed that it cannot be done on premises, but staff will follow up tomorrow and discuss options with them.

Mr. Ballantine confirmed no action.

G. Request for approval – Traffic Plan - Cultural Center Holiday Light Display  
– Scheduled for 11/30/19 – 12/31/19

Mr. MacAskill moved to approve the traffic plan for the Cultural Center Holiday Light Display – Scheduled for 11/30/19 – 12/31/19. Seconded by Mr. Howell.

Mr. MacAskill suggested that Ms. Carolyn Carey, Director, Harwich Cultural Center, explain what the traffic plan is for the public.

Ms. Carey said that she met with the Deputy Chief of Police, Kevin Considine. They will be doing the same traffic plan that they did for Art Week. People will enter through South Street, through the Elementary school. She explained that they are asking people not to get out of their cars. It will be similar to what they did for Art week.

All in favor, motion carried by unanimous vote.

H. Weston & Sampson – Letter Agreement and Proposed Scope and Cost for a  
Peer Review of Sewer Contracts, Phase 2, Contract # 1 and Contract #2-  
Discussion

Noted below under item I.

I. Weston & Sampson – Agreement for Wastewater Consulting Services - DHY Party Wastewater Project Reviews - Discussion

Mr. Ballantine said that Mr. David Young was not available to discuss these topics, so he would like to bring them back for December 2<sup>nd</sup> to have a full discussion. Mr. MacAskill would like to add a topic to this, which goes back to conversations they have had for years. He said that they had hired Dan Pelletier as their Wastewater/Water Superintendent, and he has not had a seat at the table from the beginning. Now they have Griffin Ryder, as Engineer, and before they go voting, maybe they should have a conversation with the in-house professionals and see what they can offer. Mr. Ballantine said that he is ok with that, and said that they did have a meeting on some of the DHY phasing, in which both Mr. Ryder and Mr. Pelletier, were involved. So, they are starting to include that. Mr. MacAskill said that is great and he hopes they are always involved. Mr. Ballantine confirmed that they will bring this back when they have a full board on the December 2<sup>nd</sup>.

A gentleman representing Weston & Sampson spoke before the meeting ended, to add information about the two draft agreements that was in front of them tonight. He said that the second one is related to DHY, and is for them to do a review of the costing for the DHY facilities for Dennis, Yarmouth and Harwich. The operating agreement itself, the timing is important and both Dennis and Yarmouth have approved it. The subgroup would like to have this done by mid-December, otherwise it will cause delays.

Mr. Howell confirmed this is for the peer review agreement. Mr. Ballantine confirmed that December 2<sup>nd</sup> would be too late and cause delays. It was agreed to bring it back next week to vote on.

## **CONTRACTS**

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

Mr. Powers said they should have what represents the signature page, which they received last week from the vendor. It has been signed by the vendor and the account and Finance Director, as to the available funds. He will defer back to the memo he wrote on October 28<sup>th</sup>, and recommends that the Board vote

to approve this procurement as outlined and award the contract to Champion Road Salt LLC, and to sign the contract document which are in the signature file. This was the procurement which occurred through a bid process through the Town of Plymouth.

Mr. MacAskill moved to approve the contract with Champion Salt LLC – FY 20 road salt contract in the amount of \$107,780.00. Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

## **TOWN ADMINISTRATOR'S REPORTS**

Mr. Powers said he had no report as the Assistant Town Administrator, however, he added that there were two departmental reports that should have been included in their packet, from Harbormaster Department and from the Health Director.

Mr. Powers also notified the Board that letters had gone out last week from the Town Administrator, to a number of communities regarding response to the Tornado. He said that he had those letters, if the Board wished to see them.

## **SELECTMEN'S REPORT**

Mr. Howell requested that, as Mr. Clark goes on to his leave of absence, they add to the agenda for the Board to appoint an Interim Town Administrator. He said that this requires a vote, in accordance with Chapter 4-10-2.

Mr. Ballantine reported on the great day and event that they had for Veteran's Day.

## **ADJOURNMENT**

Mr. Howell moved that they adjourn at 7:42 pm. Seconded by Mr. Ballantine. All in favor, motion carried by unanimous vote.

Respectfully submitted,

Lisa Schwab  
Administrative Assistant