

**MINUTES
SELECTMEN'S MEETING
GRIFFIN MEETING ROOM
Monday, December 16, 2019
6:30 P.M.**

APPROVED
RELEASED

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

ALSO PARTICIPATING: Interim Town Administrator Joseph Powers.

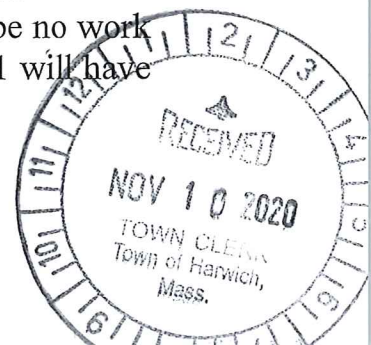
CALL TO ORDER

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. They Convened in Executive Session for the purpose of discussing strategy in respect to the litigating position of the public body and the Chair so declares, between Chief of Police David J. Guillemette and Jeffrey Gomes. They approved the strategy going forward and as it happens, he is sure it will be in the press.

WEEKLY BRIEFING

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

Mr. Joseph Powers, Interim Town Administrator, provided the update and said that the one week look ahead for the week for December 16th through the 20th the Mainline Sewer Crew # 1 will have their subcontractors performing various tasks at various locations. Mainline Sewer Crew # 2 will continue installation on Route 137, still necessitating detours. The two week look ahead, which is during the week of Christmas. There will be no work on December 25th. However, for the remaining days, Mainline Sewer Crew # 1 will still be working with their subcontractors and Mainline Sewer Crew # 2 will now commence installation on Ellis Drive and White Pine Circle. The three week look ahead for the week of December 30th, there will be no work on New Year's Day, the rest of the week Mainline Sewer Crew # 1 will have



the subcontractors performing various tasks at various locations and Mainline Sewer Crew # 2 will return to continue installation on Route 137, with detours.

Mr. Powers added that they will have their monthly construction meeting tomorrow with all parties. They have not reached an appropriate conclusion or action on the extended hours, and will report on that next week.

Mr. Ballantine asked, as a reminder, are the extended hours for the two or three days for the five manhole covers the need to be put in?

Mr. Powers said that was the understanding; however, it had come to their attention that they had been operating well be on the contact hours. So, that will need to be addressed before they can get into the standard extended hours.

Mr. MacAskill asked for this to be added as an agenda item, for a little more conversation, after the construction meeting. He added that he had spoken to the contractor and they are a little frustrated that they cannot work past 4:00 pm. Mr. MacAskill said that he is not sure who made the decision to work only till 4:00 pm, but it does seem that is going very slow. At 20 feet per day, he thinks that they will be there a lot longer and it seems a lot of people are frustrated with the detours.

Mr. Howell said that he was one of the complaints, since he lives nearby. He added that if 4:00 pm is the time that they are talking about, that would be terrific. But they have been closing up at 7:00 pm, 7:30 pm and even 7:45 pm. That is well beyond the time they agreed to.

Mr. Ballentine said that he is comfortable putting this on the agenda. He would also like to include at that time the schedule for phase 2, contract 2; and know what the schedule is going to be.

PUBLIC COMMENTS/ANNOUNCEMENTS

- A. Ms. Carolyn Carey, Director of the Community Center, said that she first wanted to apologize to anyone that wanted to see the light show at the Cultural Center. Due to the weather, they had some difficulty with that. She said that Mr. Sean Libby and the Highway Department had been great and they believe they have everything worked out. She said that they would like to invite everybody there on December 18th to see the lights, and they are collecting for the Family Pantry. They will have volunteers going car to car collecting

canned goods and the list of what the Family Pantry needs is available. This is happening from 4:30 pm to 9:00 pm on December 18th.

Ms. Carey said that she also wanted to take a moment to say thank you to the entire community. As she stands there, they are wrapping the last few presents for the mitten tree program. There are 50 individuals that will be having a phenomenal Christmas, thanks to all of the support.

- B. Mr. Richard Waystack, Chairman, Board of Assessors, wanted to again remind everyone that their first actual tax bill will be coming out just after Christmas. If anyone would like to challenge the valuation of their property, they have from January 1st through February 1st, to do so. There is no time extension. The Board of Assessors can no do anything about the taxes being charged, all that they are concerned about is the value of the property.

Mr. Ballantine said that he assumes that the month is from when the letter is stamped. Mr. Waystack said that they are not sure exactly when the bill will go out, likely the week between Christmas and New Year's. The people will have one month from the date that it was sent.

Mr. Ballantine asked if Mr. Waystack could follow up on the process. If someone wants to do that, do they contact the Assessor's office to schedule a review or should they do it in writing?

Mr. Waystack said that it should be done in writing. He added that the abatement form is on the Assessor's website and can be downloaded and then sent it in to the Board. They may request an actual hearing before the Board of Assessor's, which is held in Executive Session. Also, he would encourage all taxpayers to get a copy of their property field card. It can be found online at the Assessor's website and they should go over every aspect of their property.

CONSENT AGENDA

A. Minutes: June 17, 2019 Regular Session

Mr. Howell requested that they table the minutes due to some inaccuracies that were listed and/or missing. He will provide a narrative to have it corrected and they will bring it back next week.

- B. Vote to accept the resignation of Angelo Kyriakes, from the Harwich Historic/Historical Commission, effective 12.6.19

Mr. Ford moved to accept the resignation of Angelo Kyriakes, from the Harwich Historic/Historical Commission, effective 12.6.19. Seconded by Mr. MacAskill. All in favor, motion carried by unanimous vote.

PUBLIC HEARINGS/PRESENTATIONS

- A. Application for a transfer of the Annual, Common Victualler, All Alcoholic Beverages License now held by Ham and Bri LLC DBA Reds Pizza, 703 Main Street, Harwich, MA 02645 to Beachlight, LLC DBA Seal Pub, 703 Main Street, Harwich, MA 02645, on the following described premises located at 703 Main Street, Harwich, MA 02645: Indoor area – Two dining rooms, bar room, kitchen, prep room, two bathrooms and an office. Two entrances. Outdoor area – Patio seating of six tables, seating 20. Discussion and possible vote

Mr. Powers explained that there is an application for a transfer of the Annual, Common Victualler, All Alcoholic Beverages License now held by Ham and Bri LLC DBA Reds Pizza. He said that last week the board processed the renewal application which was the appropriate steps to take first, they have the applicant and attorney present, they have endeavor to provide all the materials that are required both locally and by the ABCC and at this point he will turn it over to them for presentation and questions.

Ms. Robin Reid, Esq. introduced herself as a mediator and attorney with offices in Provincetown. She also introduced the others present as Mr. Robert Young, Mr. Michael Scott and Mr. Josh Winston. Ms. Reid said that Mr. Scott will be the manager of record.

Mr. Reid continued and said that this is an application to transfer the Annual, Common Victualler, All Alcoholic Beverages License from the existing licensee, Ham and Bri LLC, to Beachlight, LLC. The three gentlemen she introduced are the principles of Beachlight, LLC. The premises are located at 703 Main Street, Harwich, MA. It is now known as Reds, and her clients intend to change the name to Seal Pub and Café. She said that she will keep her comments brief. It is under contract to purchase and this is the most significant condition for the consummation of the contract. They are seeking

approval this evening, so that tomorrow morning they can send this package to Boston for the ABCC to also take a look. They are proposing to offer Nespresso coffee, baked goods, and smoothies during the mornings, and then afternoon to evenings they will feature craft beer and wine with a pub style menu. Their intent is to operate from 6:00 am to 1:00 am. The statute that governs here is Chapter 138, Section 12 and all three of the applicants have taken the tips training, all have read Harwich's regulations, all have clean criminal records, and they all have extensive experience in the hospitality industry. She also added that Mr. Young has had liquor licenses in the past in California and Florida. All three are now residents of Harwich, which they are excited about.

Ms. Reid concluded that they request that the Board approve the transfer and if they wish, they can condition the issuance of the license on confirmation of the closing.

Mr. Ballantine asked if Mr. Young could give a brief description of what they have planned.

Mr. Young said that they are looking to call this the Seal Pub and Café. He said that he had a coffee house in California for 10 years, that served Nespresso. They are not looking to compete with Ruggie's, but they are looking to set up a healthy lifestyle open café type of thing. The evening's will be pub food and the bar will stay in operation, with craft beers and good wines.

Mr. Powers said that the application was completed and the two outstanding items from the seller, they have those in hands, so there is nothing to hold up the decision of the Board.

Mr. Howell asked if the Police Chief had any objections to this?

Chief David Guillemette said that he had inquired about this when he saw it on the agenda. He did not recall seeing the packet, that usually sees for transfers of this nature, to conduct a background check. He believes that someone had come in for fingerprints, but it had not been completed.

Mr. Howell said that is why he asked, because he did think it was something that got missed in this process. Mr. Powers said that if the Board chooses to

take any action, that they can condition it upon completion of the background check. He also apologized, and said that he thought that had been done.

Mr. MacAskill asked Mr. Powers if the renewal they had approved last week has to go back to ABCC for final approval, and if there will be any delay with that? Mr. Powers said that application was complete. They did speak with the ABCC about the transfer, and they were they directed to send first and they will complete them and then draw their attention to the transfer.

Mr. Ford said he is a very excited and things that this is a great thing. He is happy with the commitment that they are making to Harwich Center.

Mr. MacAskill moved that they approve the transfer of the Annual, Common Victualler, All Alcoholic Beverages License now held by Ham and Bri LLC DBA Reds Pizza, 703 Main Street, Harwich, MA 02645 to Beachlight, LLC DBA Seal Pub, 703 Main Street, Harwich, MA 02645, on the following described premises located at 703 Main Street, Harwich, MA 02645, pending the successful background checks and the packet to the Police Chief. Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

NEW BUSINESS

- A. Vote to accept the recommendation of the Harwich Board of Registrars to appoint Deborah Sementa as an Assistant Registrar

Mr. MacAskill moved to accept the recommendation of the Harwich Board of Registrars to appoint Deborah Sementa as an Assistant Registrar. Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

- B. Discussion and possible vote (subject to approval from Town Counsel) - Release of Sand Rights at 9 Highland Avenue South Harwich – approved May 9, 1995 at Annual Town Meeting, Attorney Brian Widegren for homeowners, Evan and Molly Hoorneman

Mr. Powers explained that they have in their packet communication from the attorney for the property owners, which included the Town Meeting action, going back to 1995. He said that it was his understanding that the property owners did not avail themselves of the right of that article; however, there is a need for them to move forward on it now. He informed the Board that they

do have the instrument to sign, as vetted by KP Law, which is the Towns' document they are providing.

Mr. Brian Widegren, Esq. was present to represent Evan and Molly Hoorneman, the owners of 9 Highland Avenue in South Harwich. He said that they purchased the property in November of 1994, and discovered at the time of the title search that the Town of Harwich had the right to remove sand from the property. They were able to get an article in the following Town Meeting, in May of 1995. This was Article 54, in which they sought the town to release the sand rights. He had submitted the certified copy showing that the article had passed unanimously, requiring a 2/3 vote. At this point, so many years later, Mr. and Mrs. Hoorneman would like to retire and move closer to their kids and grandchildren, so their property was put under a purchase and sales agreement. They discovered, to their surprise, that despite the fact that Town Meeting had voted to request that the Board of Selectmen give up those sand rights, that there was no follow through by them, or whoever was representing them at the time. They are requesting now that they follow through with the commitment from the Town Meeting of 1995, and execute the document that would release the town's right to remove sand from the property. He added that it would be pretty hard to do at this point, because it has all been developed around them. It is his understanding that this was vetted and approved by town council and he would ask that the Selectmen agree to release the sand rights.

Mr. MacAskill moved to release the sand rights at 9 Highland Avenue, South Harwich, which was approved at the May 9, 1995 Annual Town Meeting. Seconded. All in favor, motion carried by unanimous vote.

C. Annual Meeting with the Board

1. Cemetery Commission

Ms. Robbin Kelley, Cemetery Administrator said that Ms. Cynthia Eldredge, Chair, Cemetery Commission had to leave and will not be able to present, but she provided an overview of the report, on her behalf.

Ms. Kelley reported that the Cemetery Commission currently has two commissioners, Cynthia Eldredge and Steven Connor. She said that Ms. Karen Young retired from the commission this past year, and they

would like to thank her for her efforts. They now have one vacancy on the Commission, and they meet the first Tuesday of each month, if anyone is interested in joining them. She said that they have done a bunch of stuff, which is in the report. The only thing that is not listed is the Commission's plans with the Community Preservation Committee's (CPC) article, that was submitted for the Pine Grove Cemetery, which was \$75,000. They had gone before the Historic Commission, and it was unanimously approved. Then it went to the CPC, and they are hoping that will pass. Ms. Kelley asked if anyone had any questions.

Mr. Ballantine asked about moving into this year's Town Meeting, and if they are going to resubmit the bylaws, in regards to FinCom, on making some corrections and modifications? Ms. Kelley said yes, that they are working on the language on some of the rules and regulations. Mr. Ballantine asked if they will be vetting those with the various people that were concerned on the language. Ms. Kelley said yes.

Mr. Ballantine asked about how many trees they had lost. Ms. Kelley said that they had lost 425 tree total, and they are looking to have a tree article at town meeting this year. She added that it was probably four years ago that they needed to do this, to replant trees. She said it is imperative that they plant some more trees, 425 was a lot to lose.

Mr. MacAskill asked if the perpetual repair funds covered tree replacement? Ms. Kelley said in that fund right now they only have about \$3,000 available and you can only spend the interest that is earned in there. She said that she had asked that question, and it was verified that there was not enough in there for the cost of the trees.

2. Golf Committee

Mr. Clement Smith, Chairman, Golf Committee, said that some of the things they have tried to emphasize, and would like to see reflected in the record, is how Harwich is really the dominant component of the membership profile, as seen on the membership breakdown for FY19. Also, another thing, which is really a tribute to Mr. Roman Greer, Golf Director, and the operations in general, is the retention of the members that they have had over time, which is pretty impressive.

Mr. Smith continued onto the next slide and said that as far as matching expenses and revenues, this is the key to the success in the Town, and the facts speak for themselves. At the request of the Town Administrator and the Selectmen, they have tried to reduce expenses.

Mr. Smith said that the committee participation has been effectively strong. They have a seven member committee, which is comprised of Martha Duffy, who is the Vice Chair, Steven Bilotta, Tom Johnson, John Crook, John Wheeler, John Connolly. Mr. Smith said that thanks to the vetting of the Selectmen, the members have brought a very strong business component to the committee.

He reported on the major initiatives that the committee has been working on, including; The new Car Barn, which is complete thanks to everyone's hard work. He added that the Car Barn will be a tremendous asset, especially as they go solar. The solar project morphed into even more than they could have imagined. It was originally designed to provide 30kW of power to the grid, and thanks to the collaboration with CVEC and Mr. Leo Cakounes, it has been expanded to produce 290kW of energy, as a supplemental to the golf operation

Mr. Smith discussed the devastation of the 200 plus trees that were lost from the tornado. As part of an ongoing project and in consultation with the USGA, they recommend the removal of trees for the benefit of the green. The Cart Master plan has been implemented and has been well received by the public. As far as the club house is concerned, they have continued to upgrade the restaurant and their goal is that after 5-years, they will have a turnkey operation, because they have invested money into it. They are continuing with their USGA consulting, and it has been enormously helpful to their operation. As far as future projects are concerned, with capital outlays endorsement, they have a robust plan in place.

Mr. Greer read through the list of future projects, which currently consists for FY21. First is the tree work for the front 9, which is a six year project; as well as, the cart path work on hole number 10, and the design and feasibility for a three-hole practice and putting course. The items that are highlighted, were because they were additions to the capital plan.

Mr. Smith continued to discuss the capital projects and improvements, which will be paid for with golf specific fundings; such as reserve funds and it will not impinge on the tax payers.

He said as they go forward with Junior golf, there are a couple of exciting things that have taken place, such as the Drive, Chip and Putt. That is a national competition and has put Cranberry Valley on the golf map. Also, there is the First Tee. They have about 30,000 young people involved in this program. It not only promotes golf, but the ethics and morality that stands behind the game. It is an extraordinary team effort. There is a great article in Mass Golfer, called Seventh Heaven, and the article references Cranberry Valley. The article also mentions that it is all done in conjunction with the Monomoy Schools.

Mr. MacAskill asked if they could provide an update on the power cable that is supposed to come off of Oak Street. Mr. Smith said that the challenge has been with Eversource, and they had come to them wanting about a quarter of a million dollars to upgrade the facility. It has been negotiated down to \$50,000 which the solar provider is going to pick up.

Mr. Howell said that they run a first class operation. Mr. Smith said that Mr. Greer has been designated as Cape Cod's section pro of the year, for his contribution to junior golf and his excellence in management of the golf operations.

D. Discussion and possible vote - Golf Committee – Rate & Fees

Mr. Roman Greer, Golf Director, was present to discuss the rates and fee recommendations for the 2020 golf season at Cranberry Valley. The Golf Committee held a public hearing on November 12, 2019. Mr. Greer had presented the recommendations, and the Golf Committee voted unanimously to endorse the recommendations.

Mr. Greer said that the recommendations are pretty simple this year. They are looking to increase all adult membership fee categories by \$20, and to capture that increase into the Golf Improvement Fund, to fund the capital projects that were just listed.

They also wanted to consider an additional \$25 increase to Chatham memberships. This has always been a discussion at this time of year and they think this is an appropriate time to create some separation. Lastly ,they would like to create a new collegiate category for memberships.

The rationale comes from when they did a competitive analysis of the Cape golf market. They really felt that Cranberry Valley was well placed in the market. Their green fees are among the highest of their competition, which they feel is justified by the high demands to play the golf course, and how popular it is. They have some of the lowest membership fees, which is also appropriate, because they have the fewest amount of golf holes within their competition. Financially, the golf operation reached a high water mark in revenue in FY19. Mr. Greer reviewed the chart showing the 66% of memberships that are from Harwich. Chatham being the second highest at 16%.

Mr. Ford asked if the increase for Chatham would be the \$20 plus the \$25. Mr. Greer said yes, it would be \$45 for Chatham, but he welcomes a discussion.

Mr. MacAskill asked what feedback they received from the golfers at their November 12th meeting. Mr. Greer said that they had one member of the public show up, and he endorsed the idea of raising the fees for the membership for Chatham.

Mr. MacAskill moved to approve the Golf Fee Increases as presented. Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

E. Vote – Annual Auto License Renewals 2020 – as listed in the packet

Mr. Powers explained that in the packet they will find the list of renewals and they have been vetted by staff.

Mr. MacAskill moved to approve the Annual Auto License Renewals 2020, as listed in the packet. Seconded by Mr. Ford. All in favor, motion carried by unanimous vote.

F. Vote - Common Victuallers License Renewals 2020 – as listed in the packet

Mr. Powers said the list in the packet, all applications have been submitted, in good order and vetted by staff.

Mr. Howell moved that they approve the Common Victuallers License Renewals 2020, as listed in the packet. Seconded by Mr. McManus. All in favor, motion carried by unanimous vote.

G. Vote - Annual Entertainment License Renewals 2020 – as listed in the packet

Mr. Powers said the list of entertainment renewals is in the packet and staff made sure to note the hours of operations that had been previously approved by the Board. They have been vetted and ready for the Boards action.

Mr. MacAskill moved to approve the Annual Entertainment License Renewals 2020, as listed in the packet, with the restriction listed on the license. Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

H. Vote - Annual Liquor License Renewals 2020 – as listed in the packet

Mr. Powers said that the list has gotten smaller, all required documentation was submitted to staff and vetted and is ready for the Board's action.

Mr. MacAskill moved to Annual Liquor License Renewals 2020 – as listed in the packet. Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

I. Vote – Annual & Seasonal Lodging House or Innholders License Renewals 2020 – as listed in the packet

Mr. Powers said that all required documentation was submitted to staff and vetted. It is ready for the Board's action.

Mr. MacAskill moved to approve Annual & Seasonal Lodging House or Innholders License Renewals 2020, as listed in the packet. Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

J. Discussion and possible vote - West Harwich DCPC Board of Selectmen liaison selection

Mr. Ballantine explained that this was something brought up last week by Charleen Greenhalgh, Town Planner. He said that Mr. Howell has been very active with this, but it would be good to have a discussion on this

Mr. Howell said that he is pretty happy, the path is pretty clear, and he is satisfied it is going in the right direction. He added that Mr. Ford has gone to a meeting with him, and he would support him, if interested.

Mr. Ford said he would have to give it some thought, but he first wanted to commend Mr. Howell for all of his hard work on this and the integral part he played.

Mr. MacAskill moved to appoint Mr. Howell as the liaison to the West Harwich DCPC, for the Board of Selectmen. Seconded by Mr. Ford.

Mr. Howell added that he would be happy to have Mr. Ford onboard as well; as it would be good to have the back up. Mr. Ford requested to wait.

All in favor, motion carried by unanimous vote.

K. Discussion and possible vote –Staffing needs – Administration Department

Mr. Ballantine discussed the transition phase that they are in and looking toward the search for the Town Administrator, but they need help. He said that there are three broad categories; procurement, personnel needs, and preparation for Town Meeting.

Mr. Powers said that as they can see on his memo, the allotted personnel in the Administration office should be 4.0 and they are operating with far less. He would like to tell the Board that they are understaffed and they do need help going forward, to get through the log jam, and ramp up for Town Meeting. He and the Finance Director have met with most departments on the budget and capital outlay. They are still getting everything done, but it is only going to get busier.

Mr. Ballantine said he would like to take the initiative and recommend that they hire Mr. Robert Lawton, on the short term to help out. He said that he

has spoken to him, and Mr. Lawton would come in with the most recent knowledge of the operation in Harwich. As part-time help he would offer some immediate staffing to get over the hump.

Mr. MacAskill said that he does not agree and does not think that they need another retired Town Administrator to get them over the hump. He also would like to know where they are going to find the money and asked if there is a line item. He would like to know where the money is going to come from. He said that he would rather see them go out to another town and talk to their procurement people. Perhaps they could get a contract with some of their staff to come in and work. He thinks the hole is a lot deeper than they want to see.

Mr. Powers said that the Finance Director did speak with the Finance Committee Chairman about this a while back. The Finance Committee is expecting the submittal of a request for a reserved fund transfer, to cover whatever cost they need to cover in the short term. He understands there is a cost, and they are costs that will have to be born if the processes are going to go forward.

Mr. MacAskill said he does not want to hold this up but would like to see more of a process and questioned if the Board should consider interviewing the options that are out there to see who might be best for the job.

Mr. Ballantine said he can agree with that, but he would not want to hold it off to long.

Mr. McManus said it is clear that they need help in the Administrator's office. However, with that being said, if they decide to bring on an Assistant Town Administrator, it is the Acting Town Administrator's job to bring that person in. Mr. McManus said that they just get to vote on it.

Mr. Ford said that he agrees with Mr. MacAskill, that more thought needs to go into it, but they are caught in a time crunch. He said that they should be able to rely on the Acting Town Administrator to use the person that they select. He said especially with Town Meeting coming up, where they need to be far more prepared.

After further discussion and debate on the candidates and the issues, Mr. Ballantine said he would wait a week, but does not want to wait any longer.

Mr. Powers said he had some thoughts he could share and they are trying to clear out a log jam, and get ready for Town Meeting. He would like to be clear, he had an opportunity to work with Mr. Lawton and he has no issues with him serving as an assistant role. Mr. Powers said that Mr. Lawton has the experience and he thinks they would work well together. He is open to deferring to the Board on this, and all vacancies. He also advised the Board, that he had released a memo to all Department Heads last week, on a hiring process going forward, with the express intention of clearing out the log jam. He has worked with two Departments Heads so far, and he thinks that will work very expeditiously. They are making progress. He has no concerns with the names that have been mentioned and just want to be mindful that they are running out of time to get help in a meaningful way.

Mr. Ballantine said he has no problem with exploring this, but he wants a decision next week.

Mr. MacAskill said that he does not want to be the one to cause delays, if Mr. Powers has made this decision, and other members of the Board have also spoken to him, then someone should make a motion.

Mr. Powers wants to make it clear that he is not looking for a vote, he has had some conversations with the Board members and it has been on the agenda for the past two meetings. They need to be able to work more expeditiously and be able to prepare for a better Town Meeting.

Mr. Ballantine said that they will bring it back next week and Mr. MacAskill asked if they can please bring a dollar amount back with it and the blessing of the Director of Finance.

L. Discussion – Town Administrator Search Process; Search Firms, Salary Requirement, Other Towns Experiences

Mr. Ballantine said that he put together a timeline to give an idea of what the steps are for the search committee. He said that Mr. Ford and Mr. Powers had been working on gathering information on the salary.

Mr. Ford said that regarding the salary, he found that across the Commonwealth, it is across the board. The Massachusetts Municipal Association (MMA), shows the average salary to be \$114,000. On the Cape it is significantly more than that, most around \$150,000 and above. It is

focused on the needs of the town and what the demand is on the individual position. He said that it is also focused on where they are with salaries within the Town. The job description will drive where they will come in on this.

Mr. Ballantine said that he has started to draft the description for a discussion, and they will bring that back.

Mr. Ford said he would ask if it is their intention to hire a company to help with this, because it would be good to know and be able to look at the search firms that are out there.

Mr. Ballantine said that Mr. Powers is starting out in a great way, but he wanted to make a comment that it needs to be an open process going forward.

Mr. Howell said based on what Mr. Ballantine just said, the Charter actually requires that the Selectmen advertise and do a search. He said that even if it was their inclination to go in a specific direction. It is more than just an opinion, they are required to do this.

M. Discussion and possible vote – Town Administrator Search Committee

Mr. Ballantine also brought up the making of the search committee and keeping it small, maybe about 5 people. This will likely be an agenda item every week going forward.

Mr. Howell added for everyone's edification, that he was on a search committee recently and their objective was to find a range of people with different strengths. It was also a concern that search firms were not bringing forward all of the candidates. Mr. Ballantine said he just talked to someone that was on the search committee last time, and that was one of their complaints.

Mr. MacAskill said that it might be good if each Board member could send to the Chairman their ideas on what they are looking for in a Town Administrator. Also, he asked if they could get the past advertisement for the position that was run, and the last job description. Mr. Ford added that he has already been trying to gather this information from the other towns.

Mr. McManus said he mentioned this to Mr. Powers when he became the Acting Town Administrator. He said that one thing to they need to be

sensitive of going forward, is not getting into a situation where people think there is already a favorite. So, when a decision is made, people are accepting that they are doing what is the best for the Town.

CONTRACTS

A. Discussion and possible vote - Municipal Solid Waste (MSW) Disposal Recommendations; New Bedford Waste

Mr. Powers said that he would defer to the Director of Highway and Public Works on this. He believes that the Director has come up with an ingenious interim step as to how to handle solid waste in the short-term, and what may be available as a more viable option, in the near future.

Mr. Lincoln Hooper, Director, Department of Public Works, said that he believes it was back in September, that Mike Camara, President, ABC, New Bedford Waste Services, gave a presentation. During this presentation he quantified the solid waste crisis that is going on in Massachusetts. He said that they got the first inkling of this back in May when the plant closed down in Rochester, along with another plant that they own in Saugus. This has put a real hurt on everyone.

Mr. Hooper explained that Mr. Camara initially sent out a letter to the Town, about six years ago, and half of the Cape towns signed with him and half stayed with SEAMASS.

Mr. Camara sent out a letter notifying them he wanted to exercise the force majeure clause in his contract. That was rejected and then Mr. Camara floated another letter with a change in law clause. Mr. Hooper said that he went to Mr. Camara and requested to sign a one-year contract with the Town at the same price they are floating. He did that and it is in the packet.

Mr. Hooper said that there is no place to put the Municipal Solid Waste (MSW), he can't emphasize this enough. He has been in the industry for nearly 30 years and he can't get people to return his calls from disposal outlets. So, all we have is ABC Disposal, Covanta, which is SEMASS, the largest waste energy in the state, and the Town of Bourne.

He is here now discussing this, when the contract expires in January. He was hopeful that the Mr. Dan Barrett, General Manager, Town of Bourne, would

be able to assist them in some way. Mr. Barrett had helped them over the past summer, and got them through the hump, which allowed them to continue with commercial activity. However, he had to curtail that in September. Mr. Barrett was hopeful that he would be able to offer something, but has not been able to. Covanta has under contract about 80% of the Bourne landfill capacity with the other 20% going to them and the Town of Falmouth. That said, Bourne is working on a major expansion where they anticipate being in a position to offer municipality's contracts in a year or two. So, it is his recommendation to that they execute a one-year agreement with New Bedford Waste, and one with Covanta. They are very similar in price, and that would allow them to open up the commercial business to local contractors.

Mr. Howell said it sounded reasonable. He also asked what the cost would do to the fee structure. Mr. Hooper, said the item after the two contracts would address that.

Mr. McManus said that there is very little landfill space left on the Cape, and no place to expand. They can anticipate the States that have been accepting trains, not to accept anymore. They will have to invest in new technology in the future.

Mr. Powers explained that Mr. Hooper was presenting tonight for them to understand his strategy. If the Board is agreeable, they will look to execute agreements with the parties based on the Board's direction.

Mr. Ballantine asked if this will be a quick process, because it needs to be done by the end of the year. Mr. Powers said that is the hope and expectation. Mr. Hooper said December 31st is when their current 5-year contract with New Bedford Waste expires. He was unable to honor the second 5-year agreement that they thought would be possible.

Mr. MacAskill moved that they approve the Municipal Solid Waste (MSW) disposal recommendations for New Bedford Waste, as presented, pending review of the contract. Seconded by Mr. Howell.

Mr. Ballantine asked if it would be better to go for two-years. Mr. Hooper said they had offered a three-year deal, but he is hoping the Town of Bourne will be able to step in help relieve some of this, and it would be in better terms.

All in favor, motion carried by unanimous vote.

B. Discussion and possible vote – Municipal Solid Waste (MSW) Disposal Recommendations; Covanta

Mr. MacAskill moved that they approve the Municipal Solid Waste (MSW) disposal recommendations for Covanta, as presented, pending successful contract. Seconded by Mr. McManus. All in favor, motion carried by unanimous vote.

Mr. Howell added a comment that manufacturers do not care about the cost of ownership. They sell you stuff with packaging three times bigger, and unless something starts happening with that, we will bury ourselves in trash. He is not sure where to grapple with that, but this obviously isn't the way. He continued that they keep paying more as they go along and sites are closing and not taking stuff anymore. It is not about who is going to take the stuff, but the reality is there is too much stuff coming along with what we buy. He's not sure what the solution looks like, but until they get to that, they will be having this conversation pretty much every year.

Mr. Hooper pointed out that they have had below market conditions for MSW for 25 years. The tier-1 communities, where the financial mechanisms that got SEMASS built. As a consequence to that, the original rate was \$12 a ton back in 1988. They have been very fortunate, but now there has been a confluence of negative events that happened in the industry. It is supply and demand and they have more trash so they have outlets.

C. Discussion and possible vote – Municipal Solid Waste (MSW) Commercial Tip Fee increase from \$100 per ton to \$120 per ton

Mr. Hooper said that this is an unusual request for a mid-fiscal year increase. He is recommending that they move their MSW rate from \$100 per ton to \$120 per ton. He said that he has made this recommendation based on two facts; first, Covanta has raised their rate of the train, which goes into effect on January 1st, to \$110 per ton. They have always tried to maintain about a \$10 delta, as a convenience fee, with this being crucial for a cost recovery position.

Mr. MacAskill asked what the current tipping fees were before this increase tonight. Mr. Hooper said about \$72.00. Mr. MacAskill asked why it has jumped to \$120 not \$110, and whether it is because of what Yarmouth's prices

are. Mr. Hooper said that is correct and that when they are anywhere near Yarmouth's price, they get inundated.

Mr. MacAskill said he had one more follow up question and asked about the money that they spend to operate the dump, versus what they get in. Mr. Hooper said that they are in a full cost recovery position. He has had that discussion with the Finance Director. When they capture all the costs of the operation, they are at a breakeven.

Mr. Howell said, at the DPW Director's recommendation, he moved to accept the new rate of the \$120 per ton, for the Municipal Solid Waste (MSW). Seconded by Mr. McManus. All in favor, motion carried by unanimous vote.

D. Discussion and possible vote - Addition to the existing Plymovent Source Capture Emergency Vehicle Exhaust Fume Removal Systems at Fire Station #2 – Griffin Ryder

Mr. Powers explained that the present vehicle exhaust at Fire Station #2, has six rails, and they have an opportunity to add a seventh rail. This will allow them to bring equipment from Headquarters over to Fire House #2, thereby getting more equipment into Headquarters. Mr. Powers said that it is out of an abundance of caution, that he had this come before the Board. It is under the amount that they have typically held the Town Administrator to, but he wanted to make the Board aware of this. It is a standalone item that has been approved by the Finance Director for funding availability, and he is looking for the Boards approval.

Mr. MacAskill asked if this is a change order. Mr. Powers said it is not a change order, because the original bid documents were for the six rail system. He said it is basically just the fact that they can add the seventh rail.

Mr. MacAskill asked Mr. Powers if he is recommending this. Mr. Powers said that he is recommending it.

Mr. MacAskill moved that they approve the addition to the existing Plymovent Source Capture Emergency Vehicle Exhaust Fume Removal Systems at Fire Station #2, in the amount of \$7,200, and for the Town Administrator to sign. Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

Mr. MacAskill said that he believed they are still under budget for Fire Station #2. Deputy Fire Chief David LeBlanc said that they are under budget and they just had it reported that their change orders are under what is normal for a project of this size, about half what would be normal.

TOWN ADMINISTRATOR'S REPORTS

A. Signature Requested – Memorandum Agreement Extension for the mitigation funded Main Street Corridor Improvements Project

Mr. Powers explained that in their packet is a document related to the Main Street Corridor Improvements Project, and they had received explanation from the Highway Director.

Mr. MacAskill confirmed that they do not need to vote on this. They just need to sign it, because they already voted on it. He also noted that this is for money coming back to them, not money being spent. That was agreed upon.

B. Discussion - DHY Clean Waters Professional Services Agreement

Mr. Powers said that this is an agreement for the DHY Clean Waters Professional Services Agreement that is to be executed between CDM Smith and the Town of Harwich.

He said that it is Harwich's expense related to DHY engineering services. It is also the item that will eventually be for the peer review by Weston and Sampson. This item is presently being vetted by legal, procurement and CDM Smith, and they expect the Board to have a fully completed and vetted document to sign next week.

C. Discussion – Dave Young, CDM Smith

D. Discussion - Weston and Sampson DHY Peer Review Engineering Services

Mr. Powers explained that he has taken up the request with the Town of Yarmouth Administrator to handle the language with Weston and Sampson. He said that the Town of Harwich will only be responsible for the \$6,000.

E. Budget/Warrant Time Line FY 2021

Mr. Powers just wanted to remind the Board on the FY 2021 timeline. He mentioned earlier that he and the Finance Director have met with several members of Capital Outlay and the Capital Outlay Plan will be presented to the Board of Selectmen and the Finance Committee next week, as required under the charter. He said that it is not on the December 9th goal, but ahead of the end of the December requirement of the Charter.

Mr. Ballantine said that he would encourage everyone to take a look at that. They may need to make some tough decisions with their fiscal budget constraints.

Mr. Powers said the next follow-up will be a joint meeting with the Board of Selectmen, Finance Committee and Capital Outlay. With a hearing to happen on Monday, January 6th, relative to that plan.

SELECTMEN'S REPORT

Mr. Howell said that the Housing Trust met last week, and they elected him Chair. He said that this brings up a couple of things.

They have a contract grant acceptance with the CPC, which was just given to him to sign. He expects this to operate much more publicly and much more collaboratively than it has been. They voted to authorize the Chair to sign, but that has more implications to it, because he wanted to make sure that the Trust comes back to the Board of Selectmen and gives some reports about where they are and what they are doing.

Mr. Howell said that they have admittedly created priorities, without understanding what their work process was going to be. So, that will be happening over the next while. Most importantly, though, he feels that it is important that the Board of Selectmen hears what is going on. Also, he went back to the bylaws, and it says the Town Administrator or designee, and it is really unclear who designates that. He asks if it would be the Board of Selectmen to make the designation of an alternate to the Town Administrator, or the Town Administrator. With that being said, for a future agenda, if Mr. Powers could do it for a period of time, but there would need to be some sort of a designation to have someone there, or they may not have a quorum.

Mr. Ballantine said that they authorize Mr. Howell to have further conversation with Mr. Powers and legal to determine the process.

Mr. Ballantine said that this brings up something else, and asked if Mr. Powers could you give them a data point on where they are with all of the revolving funds. Mr. Powers said he will be meeting with Ms. Coppola and they can bring that back.

ADJOURNMENT

Mr. MacAskill moved that they adjourn at 8:24 pm. Seconded by Mr. McManus. All in favor, motion carried by unanimous vote.

Respectfully submitted,

Lisa Schwab
Administrative Assistant