

APPROVED

**MINUTES
SELECTMEN'S MEETING
GRIFFIN MEETING ROOM
Monday, February 18, 2020
6:30 P.M.**

RELEASED

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

ALSO PARTICIPATING: Interim Town Administrator Joseph Powers.

CALL TO ORDER

Mr. McManus, serving as Chairman, 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 6:15 pm for an Executive Session, where they discussed a couple of issues.

WEEKLY BRIEFING

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

Mr. Powers said that the first update is from Phase 2, Contract 1, which is the work being done by Robert B Our, Mainline Sewer Crew #1, to continue gravity sewer installation on Old Heritage Way, progressing to Liberty Trail then to Spence's Trace. Mainline Sewer Crew #2 should have finished, or is finishing on Continental Drive, before continuing to Johanna's Path and then continuing to Ellis drive and potentially to Route 137, with detours. In the two week look ahead, Mainline Sewer Crew #1 is to continue gravity sewer installation on Somerset Road and Mainline Sewer Crew #2 will continue installation on Route 137. In the three week look ahead for the week of March 2nd, Mainline Sewer Crew #1 is to continue gravity sewer installation on Somerset Road and Mainline Sewer Crew #2 will continue installation on Route 137.

B. Sewerage Work Improvement Phase 2 – Contract #2 – Construction Schedule



Mr. Powers provided the update for Phase 2, Contract 2, which is being performed by RJV Construction Corp. For this week and next week, the weeks of the 17th and 24th, they will continue the work on Sou'West Drive, which necessitates road closures between Route 137 and Church Street. The week of March 2nd, they are beginning installation of the sewer on Nor'East Drive, which will necessitate road closures between Sou'West and Church Street.

Mr. Howell said that he has had some people, over the past few days, asking this question, so he is just passing it along. He added that they had a number of discussions about the burden to the public about grinder pumps. There were other discussions about a redesign using more gravity feet and fewer grinder pumps, and some municipal pumps. Mr. Howell asked how many grinder pumps, from what they had originally discussed, were eliminated.

He added that at one point they had talked about using the stabilization fund to help buy down the burden for some people who needed it, presumably, because they have a grinder pump, Generac, and a hook-up to pay for. He said that this never came back to them and his was wondering where they are at right now with their plans.

Mr. Powers said that they will be meeting tomorrow with staff, and he can bring those questions up to them. He said that he will report back to the Board, hopefully sometime tomorrow afternoon, and will provide an update next week at the meeting.

PUBLIC COMMENTS/ANNOUNCEMENTS

A. Ms. Valerie Bell, said that she was there representing Cape Light Compact.

She explained that Cape Light Compact had chosen Harwich to be its next Main Street initiative recipient. What that involves is, they will come to Harwich Port, and they will do an energy efficiency blitz, going from business-to-business. They will have their engineers with them, and light bulbs, and offer small businesses lots of incentives for energy efficiency. They will increase their normal incentives, that they give small businesses, during the month of April and May when these Main Street initiatives are happening.

Ms. Bell also explained that the advertising for this and the promotional activity will center around Main Street in Harwich Port, however, the program is open to all small businesses on the Cape. Last year, they did it in both Chatham and Oak Bluffs. In Chatham, they visited 22 small businesses on Main Street, and they were able to give them slightly over \$73,000 worth of incentives. In Oak Bluffs, they visited 29 small businesses and they were able to give them a little over \$96,000 worth of incentives.

She said that the exact date has not been chosen yet, but they have been in communications with Ms. Cyndi Williams, Executive Director of the Chamber of Commerce, so the ball is rolling. Ms. Bell said that the only thing that will be needed from the Board of Selectmen, is that they will need a letter of support, signed by the Board, saying that they would like Cape Light Compact to come and do the Main Street Initiative.

Ms. Bell said that she and Ms. Williams will keep them posted on how they are progressing, and hopefully they will have a great day for small businesses to get lots and lots of free stuff.

Mr. McManus said he assumes the purpose of the initiative is to bring some notoriety to their small business program.

Ms. Bell responded that is correct, and to let them know what is available to them. Though, ultimately, it is to reduce energy consumption.

CONSENT AGENDA

- A. Vote - Seasonal Common Victuallers License Renewals 2020 – as listed in the packet
- B. Vote – Seasonal Entertainment License Renewals 2020 – as listed in the packet
- C. Vote – The approval for two (2) one day alcohol license permits for two separate events being held at the South Harwich Meetinghouse – both serving beer and wine only;
 - 1. First event on February 29, 2020 between 6:30 PM – 8:30 PM (Private Party)
 - 2. Second event on March 14, 2020 – 2:30 PM, to 5:00 PM, 6:30 PM to 9:00 PM (Preconcert , Reception and Intermission)

Mr. Ford moved to approve (A) the Seasonal Common Victuallers License Renewals 2020, as listed in the packet, (B) the Seasonal Entertainment License Renewals 2020, as listed in the packet and (C) the two (2) one day alcohol license permits for two separate events being held at the South Harwich Meetinghouse, both serving beer and wine only; with the first event on February 29, 2020 between 6:30 PM – 8:30 PM (Private Party), and the second event on March 14, 2020 – 2:30 PM, to 5:00 PM, 6:30 PM to 9:00 PM (Preconcert , Reception and Intermission). Seconded by Mr. MacAskill.

Mr. Howell said that he will vote for this because it has merit, but liquor licenses really belong under New Business, not under Consent Agenda. He said he has been saying this for two and a half years.

Mr. MacAskill agreed with Mr. Howell and stated that he has been saying it for at least two and half years. He would suggest that Mr. Howell writes the policy, and make this a policy.

All in favor, motion carried by unanimous vote.

PUBLIC HEARINGS/PRESENTATIONS

- A. Vote to approve Transfer of Stock and Change Corporate Officers for Maulik Corporation DBA Value Mart – 435 Route 28, Harwich Port

Mr. Matthew Port, Attorney for the Maulik Corporation, was present along with Bahecharbhai Patel, who is the owner of the Corporation. Mr. Port explained that this is an issue of some stock, essentially there is another family member coming on board for the corporation. So, they are issuing him some stock as he will be helping with the day-to-day operations, in addition to that, they are changing his role to President of the corporation. Mr. Patel will remain an owner and an officer of the corporation. Due to the beer and wine license, it requires Town and ABCC approvals. Mr. Port confirmed that there is no change to the license, or to the manager or the operations.

Mr. MacAskill moved that they approve the transfer of stock and change of corporate officers for Maulik Corporation, DBA Value Mart – 435 Route 28, Harwich Port, as presented. Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

B. First draft presentation of the 2020 Annual Town Meeting Warrant

Mr. Powers said that there are two items that Chairman Ballentine had wanted to discuss this evening, and given his absence, he requested that they carry it over to next week. He said, specifically he wanted the Board to be aware of draft Article 30, which included an item that came up last year regarding changing the Charter to make reference to Select Board, rather than Board of Selectmen. The other item that they were asked to draw attention to is the Monomoy School District agreement changes in Article 16. He added that beyond that, is just to advise the Board of the private petitions that came in, by the most recently deadline, being last Friday, February 14th, at noontime. Those have been incorporated into the draft warrant at this time.

Mr. Howell said that when he was up at MMA (Massachusetts Municipal Association) he had a conversation with Mr. John Giorgio, Attorney, KP Law. Mr. Howell said that his topic came up and Mr. Giorgio indicated that there is a fair amount of expense with this. He asked if Mr. Powers could ask Mr. Giorgio what the average billing hours were to do this, and what the challenges were. He said it would be good to know what they are talking about.

Mr. MacAskill said he would further that, by asking to get all the questions that came up at last year's Town Meeting, that had referred them back to the Charter Review Committee. He said that those questions should be brought up to the public, if they can be found. Mr. MacAskill added that his understanding is that they can call themselves anything that they want, but legally to the State, they are still going to be called the Board of Selectmen. All documentation would have to be signed stating Board of Selectmen, not Select Board. If they could get an overview of this.

Mr. Jack Brown, Chairman, Finance Committee, asked if he heard that they were going to be delayed another week or more.

Mr. Powers said that this is a first draft presentation to the Board of the warrant articles. He added that Chairman Ballantine specifically wanted to speak to the article they were just talking about. It is built into the Boards timeframe to have this completed by March 23rd, for final signatures.

Mr. Brown said that he is just concerned, last year they were behind, and the committee he is with felt rushed.

Mr. McManus said that it seems that the concern is when the warrant will be moving on to the Finance Committee, and asked if there is any reason the draft can't be moved on. He added that potentially 95% of it will be going to stay the same.

Mr. Powers said that there would not be an objection. The timeline calls for that to have been expressly voted by the Board next week, to meet the Charter requirements. However, he does not see any reason why the Board could not by consent and direct staff to send it to the Finance Committee.

Mr. Howell said this is off-point to what Mr. Brown was saying, but asked if the changes to the Monomoy and Chatham agreement could get marked up, so that they can see the changes, when it moves over to the Finance Committee or to them. Mr. Powers said that he believes he has that. Mr. Howell said that would be good to see.

Mr. MacAskill moved that they send the initial draft of the warrant to the Finance Committee for review, with the understanding that it is an initial draft, and subject to change.

Mr. Brown said that they will be meeting Thursday night, if they wanted to put in their two cents that early. Mr. McManus said also along with them getting the draft, because it is a draft, any recommendations that they have, the sooner they hear about would be obviously the better.

All in favor, motion carried by unanimous vote.

TOWN ADMINISTRATOR'S REPORTS

A. Budget/Warrant Timeline FY 2021

Mr. Powers said that, as he just mentioned, they will see in the budget timeline two key items coming up. The first they just dispatched, and next week the Board will be required to submit a final budget to the Finance Committee. That will be on the agenda for the Monday, February 24th meeting.

The only other item he has is to advise the Board, and the general public, that he was made aware of today of a Winter Peer Group Meeting. The meeting is for Orleans, Brewster, Chatham and Harwich and is on peer group meetings regarding housing production on the Lower Cape. The meeting will be Thursday, March 5th from 3:00 pm to 5:00 pm, at the Brewster Townhall, in Room B. Mr. Powers added that at least himself and the Town Planner will be attending.

Mr. Howell said that he was putting on his Affordable Housing Trust hat for a moment. He explained that the creation of the Trust happened through a bylaw adoption, so it is actually in their bylaws section, not in the charter. However, he thinks that the language needs to change a bit. It does not say "who". It does designate the Town Administrator or designee, but it does not say who does the designation; the Town Administrator or the Board of Selectmen. Mr. Howell said that it would be helpful if he could get an agreement from the Board of Selectmen, that since it is an ex-officio position that the person occupying the position, at least temporarily, is agreed upon to be the person that can sit on the Trust, at least for the duration of their designation as Town Administrator.

Mr. MacAskill asked if anyone was interested, or if they are just going to pick someone.

Mr. Howell said that is the point, he is not sure if they can. Looking at the language, it seemed that there could be an argument made that the Town Administrator could re-designate who that person might be. There is no place in the bylaw that suggests that the Board of Selectmen votes the Town Administrator in.

Mr. MacAskill asked if he is asking the Board to acknowledge that Mr. Powers is ok to be there.

Mr. Howell said that he is just he is just trying to get an understanding and rather than saying he needs the vote to appoint him, his argument would be that whoever serves as Town Administrator, temporarily or not. Otherwise, they are down a person and one person is participating by remote participation.

Mr. McManus said that the charter states that the Acting Town Administrator sits in as the Town Administrator.

Mr. Howell said he did not want to make that call himself and therefore wanted to bring it up. He does think it is reasonable to consider that.

Mr. MacAskill thanked Mr. Howell for the transparency and said that if he is looking for a consensus, he is fine with it.

SELECTMEN'S REPORT

Mr. Ford said that he just had a question regarding the get-togethers they discussed having with the Department Heads, relative to budget. He would like to know how they were planning to do that and if it will be joint meetings or individually with each department. Mr. Ford added that he has read through the budget and is very keen on hearing the point of view of the Department Heads.

Mr. Powers said that the standard procedure is, that on Saturday, March 7th, the Board of Selectmen will meet jointly with the Finance Committee. The meeting is from 8:30 am to 2:30 pm and is essentially a round robin. This year however, he worked with the Finance Director to ensure that the departments who were greatly impacted by the proposed budget either be granted more time or be granted time they may not have had in the past. Also, they have their meeting next week where the Board has final review of the budget, before it gets officially passed to the Finance Committee. If they wanted to use that time as well, he could work with staff.

Mr. MacAskill just wanted to bring this up again, that he would really like to see some open meeting law training for the committees. He said, especially for the committee chairs and the people doing the agendas. There have been several mistakes, and some that could be called out. It would be important to get the State or our legal counsel to do an open meeting law training. Mr. Powers said that he will reach out to KP Law. He added that it is included in their annual billing to them. It was agreed to get as broad of an audience as they can get.

Mr. McManus said that they all should have received the information from the Town Clerk about the Selectmen and Councilors' Association Meeting that will be on February 28th. He said that this is not a usual date for them, but it was done to facilitate having a full legislative delegation available and it would be good if they can make it.

ADJOURNMENT

Mr. MacAskill moved that they adjourn at 7:54 pm. Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

Respectfully submitted,

Lisa Schwab
Administrative Assistant