

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, NOVEMBER 10, 2014
6:30 P.M.**

APPROVED

SELECTMEN PRESENT: Ballantine, Cebula, Hughes, LaMantia, McManus

OTHERS PRESENT: Town Administrator Christopher Clark, Assistant Town Administrator Julie Quintero-Schulz, Chief Clarke, Chief Mason, David Ryan, Sally Urbano, Lou Urbano, John Bangert, Dana DeCosta, Noreen Donahue, Barry Worth, Terry Hayden, Valerie Bell, Richard Larios and others.

MEETING CALLED TO ORDER at 6:30 p.m. by Chairman Ballantine.

PUBLIC COMMENT/ANNOUNCEMENTS

- A. Accept proceeds from the Irish Pub Road Race for the Harwich Fire Department

Chief Clarke accepted a check in the amount of \$1,000 for the Harwich Ambulance Fund from Brendan O'Reilly of the Irish Pub. Chief Clarke stated that the Fire Department is happy to be part of this event and thanked Mr. O'Reilly on behalf of the Department.

CONSENT AGENDA

- A. Approve Minutes –
 - 1. October 20, 2014 Regular Session
 - 2. October 27, 2014 Regular Session
- B. Approve application by Main Street Market for 10:00 a.m. opening time on Sundays
- C. Approve application by Village Crafters of Cape Cod for craft fair at Brooks Park on August 6, 2015
- D. Approve language of Special Legislation to establish a Water and Wastewater Commission as provided by Town Counsel
- E. Release 2012 Executive Session minutes as recommended
- F. Approve Budget Certification Form SRB-3 as acknowledgement of Harwich's membership with the Cape Cod Mosquito Control Project and authorize the Town Administrator to sign
- G. Approve holiday hours as recommended by Town Administrator

Mr. McManus moved approval of the Consent Agenda with the exception of Item D which he asked to take up separately as it is a significant change to the Charter. Mr. Hughes seconded the motion and the motion carried by a unanimous vote. Mr. Giorgio outlined the changes made to the Special Legislation and took questions from the Board as well as from Noreen Donahue. Mr. McManus moved to forward to the By-Law Charter Review Committee "An Act Amending the Charter of the Town of Harwich for the Purpose of Establishing a Water and Wastewater Commission." Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

PUBLIC HEARINGS/PRESENTATIONS

A. Annual Meetings:

1. Utility and Energy Committee

Barry Worth provided the annual report of the Utility and Energy Committee and Valerie Bell briefly discussed the Solarize Harwich proposed project and noted that she would be back with more details.

2. Capital Outlay Committee

Mr. Larios provided the annual report of the Capital Outlay Committee.

3. Finance Committee

Mr. Patterson provided the annual report of the Finance Committee and provided the attached chart.

B. Presentation/Work Session on Wastewater Financing – John Giorgio

Mr. Giorgio outlined what the new law on wastewater financing does as detailed in the attached Kopelman and Paige document entitled “Drinking Water and Wastewater Infrastructure – New Funding Opportunities.” Mr. Giorgio took questions from the Board as well as from Mr. Urbano.

OLD BUSINESS

A. Reaffirm vote from Classification Hearing of November 3, 2014 to select a factor of “1” – vote

Mr. Clark asked to defer this item as we have not heard back from the Department of Revenue and the Board agreed.

B. Police Transition Plan as recommended by Town Administrator – discussion & possible vote

Mr. Clark noted that he had incorporated the Board’s changes into the Police Transition Plan (see attached). Ms. Cebula clarified that “a current department head” should be deleted as Mr. Clark had noted that the current department head on the search committee would be the Police Chief. Mr. LaMantia noted that there was concern about the Police Chief being on the committee and questioned if the Board still has concerns. Mr. LaMantia said that it is important to have the Police Chief on the committee as he has law enforcement knowledge and Chairman Ballantine agreed. Mr. McManus said it is his experience that if you want a professional in the field, you ask a professional from another jurisdiction. Mr. McManus noted that there was also discussion about whether including the Assistant Town Administrator on the committee was appropriate. He said it is his recommendation to have the committee consist of the Town Administrator, Fire Chief, another department head, a police professional from another town, and either 3 or 4 members of the public. Chairman Ballantine said he is comfortable with the way it is being proposed now and Mr. LaMantia agreed. Chairman Ballantine noted that the Assistant Town Administrator does personnel so it would make no sense not to have her on the committee. Mr. McManus responded that although it’s true the Assistant Town Administrator handles Human Resources, it is his understanding that she would oversee and manage the process rather than participate in it. Mr. Hughes moved to leave it the way it is with the removal

of the line “a current department head.” Mr. LaMantia seconded the motion and the motion carried by a 3-1-1 vote with Mr. McManus in opposition and Ms. Cebula abstaining from the vote.

C. Updated Policy for Approval of Municipal Contracts – discussion & possible vote

Mr. McManus moved approval of the second reading. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

NEW BUSINESS

A. Approve revised Non-Union Compensation Plan – discussion & possible vote

Mr. Clark reported that Administration will be coming forth with plans for transitioning longevity into the base salaries with a target date of July 1, 2015. He added that longevity would have to be removed from the by-law. Mr. McManus moved to approve the Non-Union Compensation Plans as provided by the Administrative Officer to take effect January 1, 2015. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

TOWN ADMINISTRATOR’S REPORT

Mr. Clark reported that they are looking at the Lucas property as a potential site for the Shellfish Lab and will get a price. He noted that he and Mr. Ryan met with the consultant doing the indirect costs study and they are anticipating getting a draft the first week in December. Mr. McManus suggested it might be time to look at some of our fees such as taxi and liquor licenses.

ADJOURNMENT

Mr. McManus moved to adjourn at 8:30 p.m. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary

Free Cash Analysis Cape Towns

DOR Code	Municipality	Total Budget and Free Cash Fiscal Year	Total Budget	Free Cash Amount	Free Cash as a % of Total Budget	Stabilization Year	Stabilization Amount	Stabilization Amount as a % of Total Budget
126	Harwich	2014	61,593,610	445,804	0.72	2013	1,138,643	1.85
351	Yarmouth	2014	85,421,657	1,113,483	1.30	2013	1,808,702	2.12
261	Sandwich	2014	74,382,970	1,309,582	1.76	2013	1,017,193	1.37
075	Dennis	2014	55,970,785	2,015,439	3.60	2013	2,482,844	4.44
096	Falmouth	2014	125,392,488	4,941,233	3.94	2013	4,616,372	3.68
242	Provincetown	2014	32,410,901	1,547,258	4.77	2013	1,543,875	4.76
086	Eastham	2014	26,127,895	1,292,603	4.95	2013	152,359	0.58
041	Brewster	2014	43,499,353	2,209,047	5.08	2013	3,161,923	7.27
055	Chatham	2014	42,090,855	2,211,995	5.26	2013	1,742,960	4.14
020	Barnstable	2014	177,810,467	11,095,664	6.24	2013	12,185,902	6.85
172	Mashpee	2014	59,897,303	4,925,505	8.22	2013	3,989,381	6.66
318	Wellfleet	2014	20,267,463	1,674,927	8.26	2013	505,751	2.50
224	Orleans	2014	31,693,938	2,691,679	8.49	2013	133,121	0.42
300	Truro	2014	18,119,139	2,497,547	13.78	2013	988,414	5.46

Source: MA Department of Revenue



Drinking Water and Wastewater Infrastructure - New Funding Opportunities

In some areas of Massachusetts, a majority of the existing wastewater and drinking water infrastructure was built following World War II, and it continues to age and slowly deteriorate. In other areas, cities and towns are exploring their options for installing wastewater treatment and disposal facilities for the first time. Water and wastewater infrastructure improvement and replacement projects can be expensive, yet given the potential magnitude of impacts resulting from failure of such infrastructure, proper maintenance and timely replacement is essential. Municipalities and utilities are ultimately responsible for the ongoing process of evaluation, maintenance and replacement of this infrastructure to protect water quality and public health. However, there are significant funding challenges that inhibit the ability of municipalities to fulfill this duty. In response to these funding challenges the Massachusetts legislature passed Chapter 259 of the Acts of 2014. This Memorandum highlights the relevant sections of the new legislation that create the opportunity for a significant new revenue stream for municipal funding of drinking water and wastewater infrastructure.

Massachusetts municipalities have traditionally funded drinking water and wastewater infrastructure projects with monies appropriated from their general funds or monies raised through betterment assessments. The recently enacted legislation, which has been codified at G.L. c.40, §39M, creates an alternative to these traditional funding methods that will enable municipalities to do more effective long term planning for drinking water and wastewater infrastructure projects. Similar to the Community Preservation Act of 2000, the new legislation permits municipalities that accept the law to impose a surcharge on real property at a rate up to, but not exceeding, three per cent (3%) of the real estate tax levy against real property for water infrastructure purposes. As with the CPA, revenues collected through the surcharge are not counted for the purpose of establishing the limit on the local tax levy imposed by Proposition 2½. All monies collected from the surcharge must be deposited into a special fund separate from the general fund known as the Municipal Water Infrastructure Investment Fund. Monies in the Fund may be appropriated by the local legislative body "exclusively for maintenance, improvements and investments to municipal drinking, wastewater and stormwater assets."

In order to collect the surcharge and establish a Municipal Water Infrastructure Investment Fund, a municipality must follow the two-step process to adopt the law established by G.L.

c.40, §39M(f). First, the municipality's legislative body must vote by a majority to accept the statute and designate the surcharge percentage. Thereafter, the voters of a city or town must vote to accept the law at the next regular municipal or state election. The collection of the surcharge would begin the first fiscal year following adoption unless the municipality specifies a future fiscal year in its acceptance vote.

Any city or town that has accepted the law may later revoke its acceptance, or amend the amount of the surcharge, by following the same procedures required for initial acceptance. However, a municipality may not amend its applicable surcharge rate more than once in any 12 month period. Even if a municipality votes to revoke its acceptance of the law, any monies remaining in the fund after revocation must still be expended exclusively for maintenance, improvements and investments to municipal drinking, wastewater and stormwater assets.

If you have further questions regarding the legislation please contact Attorney John W. Giorgio at jgiorgio@k-plaw.com or 617-556-0007.

THE LEADER IN PUBLIC SECTOR LAW

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Christopher Clark, *Town Administrator*

732 MAIN STREET, HARWICH, MA 02645

To: Board of Selectmen

From: Christopher Clark, Town Administrator
William Mason, Police Chief

Re: Police Transition Plan – Revised and updated

Date: November 5, 2014

Administration has recently completed negotiations with our Police Superior's Union. The agreement calls for a new non-union Deputy Police Chief or Captain. The Chief and I have discussed transition issues in the Police Department and would like to present the following transition plan for the Board of Selectmen's consideration. We would recommend that the following organizational chart be put into place, please see attached chart. The new hierarchy of the Police Department would include a Deputy Police Chief, two lieutenants and five sergeants as opposed to the current structure of two lieutenants and six sergeants. The current funding for the six sergeant positions known as the Administrative Sergeant would be committed to Deputy Police Chief position. The job description for the Deputy Police Chief is also attached. This new structure will enhance administrative control of the department and will facilitate a more direct line of succession for the internal promotional opportunities within the department. The departure of one of the current lieutenants to retirement also must be addressed.

Phase 1 of the plan is to have the Board of Selectmen approve the new organizational chart and the new non-union Deputy Police Chief position.

Phase 2 of the plan is to have the current Police Chief and the Town Administrator fill the new Deputy Police Chief position from within the existing Superior ranks as per our agreement and to also fill the Administrative Lieutenant's position that is currently vacant also from within the existing Superior Officers ranks. It is also anticipated that once these promotions are filled, additional vacancies will be created in the ranks of the Superior Officers. Our goal would be to complete these promotions around January 1, 2015. The process for promotion will be internally posted and interested applicants will be interviewed.

Phase 3 of the plan would be to implement a recruitment process for the Police Chief. The current Chief is required by law to retire by June 30, 2015. We believe it is imperative to have all administrative ranks filled prior to the date. This will allow for a new Chief to come in with an intact administrative structure, to not fill these positions prior will leave a significant void and make a new Chief's introduction to the department much more challenging as it will take time for a new Chief to identify the resources and capabilities of the existing personnel. The timeline for the Police Chief search process would be to advertise statewide for a new Chief during February to March 2015, conduct interviews during the month of April and have as a goal the recruitment of a new Chief to start in the middle of June to allow for approximately 2 weeks of transition with Chief Mason. I would recommend the search committee of seven members to include the Town Administrator, Assistant Town Administrator, current Police Chief, a current Department Head, Fire Chief and three members of the public with some management experience and law enforcement knowledge.

The search committee will present up to three finalist for the Board of Selectmen's approval.

Harwich Police Department
Job Description for:
DEPUTY POLICE CHIEF
Revised: November 4, 2014

NATURE OF WORK

Under the direction of the Chief of Police, directs, manages, supervises, and coordinates the activities and operations of the Harwich Police Department including the enforcement of criminal and traffic laws, regulations, and bylaws in order to preserve and protect life, health, and property within the Town of Harwich along with related services and activities; coordinates assigned activities with other town departments, and outside agencies; and provides highly responsible and complex administrative support to the Chief of Police. As second in command of the Department, he/she is subject to being assigned as the acting Chief during the absence of the Chief of Police. Considerable independent judgment, initiative and understanding of laws and Departmental procedures must be exercised in interpreting orders, regulations, and in responding to emergency situations. This position reports directly to the Chief of Police.

ESSENTIAL DUTIES AND RESPONSIBILITIES

1. Assume management responsibility for the day-to-day operation, services, and activities of the Harwich Police Department; manage and participate in the development and implementation of goals, objectives, policies, and priorities for assigned programs; recommend and administer policies and procedures.
2. Monitor and evaluate the efficiency and effectiveness of service delivery methods and procedures; recommend, within departmental policy, appropriate service and staffing levels.
3. Plan, direct, coordinate, and review the work plan for the personnel of the Harwich Police Department. Assign work activities, projects, and programs; review and evaluate work products, methods, and procedures; meet with staff to identify and resolve problems.
4. Select, train, motivate, and evaluate Police Department personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.
5. Oversee, prepare and administer the annual budget; participate in the forecast of funds needed for staffing, equipment, materials, and supplies; monitor and approve expenditures; implement adjustments.
6. Ensure that equipment, safety clothing, apparatus, and supplies are specified, purchased, received, and distributed in an effective manner and consistent with current Harwich Police Department policy.
7. Respond to major incidents and ensure that the Incident Commander is following Incident Command System/protocol; assume role as Incident Commander or other role as needed for the situation without micromanaging operations.
8. Serve as the liaison for the assigned functions with other divisions, departments, and outside agencies; participate with community relations; coordinate special community programs; attend community meetings to promote Department's goals and missions and community safety programs.

9. Develop and maintain lines of communication and cooperation with peers in surrounding local, state, and federal agencies; coordinate joint operations with outside agencies; mitigate conflicts with other town departments or agencies.
10. Serve as a representative of the Harwich Police Department, when directed by the Chief of Police, on a variety of boards, commissions, and committees.
11. Provide responsible staff assistance to the Chief of Police; conduct a variety of organizational studies, investigations, and operational studies; recommend modifications to police programs, policies, and procedures as appropriate.
12. Attend and participate in professional group meetings; maintain awareness of new trends and developments in the field of law enforcement; incorporate new developments as appropriate.
13. Respond to and resolve difficult and sensitive citizen inquiries and complaints; direct and conduct internal affairs investigations and provide for follow-up investigation of citizen complaints as necessary.
14. Oversee, direct, and coordinate the work of lower level staff. Provide direct supervision of both the Operations and Administrative Lieutenant and completes annual performance appraisals for subordinates
15. Perform related duties as required.
16. Ability to act effectively in crisis situations.
17. Ability to plan and coordinate police activities in a manner conducive with full performance and high morale
18. Review and issue letters of recognition and commendation. Prepare and present information to the Town Administrator/Board of Selectmen for public recognition of police employees when warranted.
19. Clearly sets an exemplarily work ethic, leadership by example, professional loyalty, and integrity within the organization and in representing the Department.
20. Ability to develop and actively maintain a positive working relationship and provide appropriate information in a timely manner with all forms of public media including Harwich Channel 18.
21. Develop a positive, cooperative, and team-oriented relation with the Board of Selectmen, Town Administrator, department heads, committees, and employees.
22. Conducts staff meetings to disseminate information and notifies appropriate personnel.

KNOWLEDGE, SKILLS AND ABILITIES

Ability to practice and exhibit a participatory management style.

Understand, support, and practice the Department's chain of command allowing supervisors an appropriate level of autonomy and judgment in fulfilling their responsibilities.

Considerable knowledge of Town and Department policies, procedures, rules and regulations.

Thorough knowledge of modern police practices, techniques, methods and trends.

Considerable knowledge of the geography of the Town.

Ability to effectively draft letters, memoranda, reports and other documents using appropriate grammar, language, tone, connotation, and writing style.

Assists in the development, administration, support, and active participation in applicable in-service training programs.

Thorough knowledge of the principles of supervision, organization, and administration.

Thorough knowledge of the principles of civil liability.

Ability to analyze complex police problems, identify alternative solutions and implement the most appropriate solution(s) to the problem(s).

Skill in the operation of an automobile, and in the application, use and care of firearms.

Thorough knowledge of applicable state, local, and federal laws and bylaws.

EDUCATION AND EXPERIENCE

Must possess considerable police and supervisory experience. Graduation from high school supplemented by a minimum of two years of college course work in criminal Justice is preferred. At least three years experience at the rank of Police Sergeant or Lieutenant for the Harwich Police Department with a proven work performance record. Anyone promoted to the rank of Deputy Chief as of July 1, 2018 must possess an acceptable Bachelor's degree from an accredited college or university; a Master's degree is preferred. May be required to attend and successfully complete courses, seminars, and/or classes on management, administration, and supervision to enhance performance capabilities. Attending the Federal Bureau of Investigation National Academy, Southern Police Institute, Northwestern University Police Executive Development, or other equitably well-respected advanced command school is highly advised.

WORKING ENVIRONMENT/PHYSICAL REQUIREMENTS

This work is performed in all weather including catastrophic conditions such as high wind, hurricanes, blizzards, flooding, hail, etc. The potential to work in hazardous surroundings exists at all times including exposure to vehicle traffic, dangerous or threatening people, communicable diseases, hazardous materials, loud noises, chemicals, etc. This work requires varying degrees of physical responses from sedentary work to very heavy work due to the nature of unpredictable and unforeseeable events that characterize police work.

MATERIAL AND EQUIPMENT DIRECTLY USED

Police vehicles, firearms, Tasers®, restraint devices, two-way radios, cellular phones, telephones, electronic devices, safety equipment, computers and general office equipment, emergency first aid equipment, camera, speed measuring devices, breath-alcohol measuring devices, and other equipment related to the law enforcement profession.

OTHER NECESSARY REQUIREMENTS

Must possess a valid Massachusetts driver's license, provide proof of a safe driving records, and maintain a safe driving record for continued employment. Must be Massachusetts qualified as a police officer. Attend and pass all mandated annual in-service and firearms training requirements. Must qualify for and possess a Massachusetts License to Carry a Firearm.

