

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, SEPTEMBER 6, 2016  
6:30 P.M.**

**APPROVED**

**SELECTMEN PRESENT:** Hughes, Kavanagh, LaMantia, MacAskill

**OTHERS PRESENT:** Town Administrator Christopher Clark, Ginny Hewitt, Paula Champagne, Sean Libby, Mary Warde, Larry Cole, Bill Crowell, Sally Urbano, Chris Harlow, Peter DeBakker, David Young, and others.

**MEETING CALLED TO ORDER** at 6:35 p.m. by Chairman MacAskill.

Chairman MacAskill reported that the Board had just come out of Executive Session where they discussed strategy on a land purchase for 397 Route 28 and collective bargaining for the Dispatchers Union. He noted that they reached an agreement on a Memorandum of Understanding with the Union and they will announce the details next week.

**WEEKLY BRIEFING**

Mr. Cole reported as CVEC representative for the Town on the net benefit results of the landfill solar photovoltaic project for FY16 (see attached). He noted that the budget is now in deficit and they have revised the Round 1 adder which, if Barnstable approves, they will be bringing to the other towns. He further reported as the Utility & Energy Committee Chair that they will be holding an Energy & Sustainability Fair on October 29<sup>th</sup> at the Community Center.

Ms. Hewitt announced upcoming programs at the Library.

Ms. Champagne provided an update on the West Harwich plume and discussed the Bennett Environmental report that was prepared for the Town in 2010 as well as the need for follow up testing. It was noted that there will be a full discussion on this item later in September.

Ms. Urbano expressed concern that they are putting in drainage from Depot Street to Division Street which runs right across where the plume goes and they were told that digging up could make a mess of things.

Mr. Crowell spoke as a citizen and a member of Pilgrim Congregational Church in Harwich Port. He noted that after all the violence and shooting this summer that the Board should put in the newspaper and on the website that Harwich is a No Place For Hate Community as voted by the Board years ago. He commented that it would be nice if Harwich were seen as a place of peace, harmony and cooperation.

**CONSENT AGENDA**

- A. Approve Minutes
  - 1. July 25, 2016 – Regular Session

- 2. August 8, 2016 – Regular Session
- 3. August 22, 2016 – Executive Session
- B. Approve request by The Sampson Fund to waive \$50 Food Service Permit Fee for Health Department for their event of May 20, 2017 at Community Center
- C. Approve the recommendation of the Town Administrator to approve the Eversource petition to install underground conduit to supply service to 51 Ocean Avenue
- D. Approve request by Democratic Town Committee to add two additional election workers as recommended
- E. Approve request by Republican Town Committee to amend election worker list as recommended
- F. Approve 1-day Special License application for wine and malt for Harwich Cranberry Festival for event to be held on Saturday, September 17, 2016 from 12:00 p.m. to 8:00 p.m. at Brooks Park
- G. Approve 1-day Entertainment License for wedding at private residence on September 10, 2016
- H. Approve Chapter 90 Project Request for Resurfacing Various Roads in the amount of \$414,645.70

Chairman MacAskill noted that item B will be removed from the Consent Agenda as it requires Board of Health vote. Ms. Kavanagh moved approval of the Consent Agenda. Mr. LaMantia seconded the motion. Mr. Hughes recused himself on items D and E. The motion carried unanimously for items A, C, F, G, and H. Items D and E carried by a 3-0-0 vote with Mr. Hughes recusing himself on those items.

## **OLD BUSINESS**

- A. Request by Engineering Department to move to Albro House – *discussion & possible vote*

Mr. Clark discussed some of the improvements at the Albro House and asked the Board if they would consider this request by Engineering to move there. He noted that the relocation provides some benefits to the Town as the Board has approved an additional staff member for Conservation. He noted that the cost would probably just be the purchase of air conditioners and an additional printer. He stated that freeing up space on the 2<sup>nd</sup> floor allows for a better layout and use of the 2<sup>nd</sup> floor. Mr. Libby described minor improvements needed and Mr. Clark said they would be using the funds from the revolving fund from tenants. Mr. Hughes questioned if there would be any problem moving them back if it did not work out and Mr. Clark responded that we could certainly move them back. Mr. LaMantia said he has no problem moving them over there but was concerned that after so many years we still haven't figured out what we want to do with this building. He added that he doesn't want it to become a second Town Hall. Ms. Kavanagh stated that she has no problem moving them over there but recommended limiting the relocation costs as we don't know what we want to do with the building. Chairman MacAskill said he has never seen any comprehensive plan of what we want to do with that building. He noted that Mr. Libby did an assessment of the building and Ms. Cebula responded with a list of questions in October 2014. He said the move that happened last year which seemed to create turmoil is where this is coming from as they have stated that they don't have enough room. He said that without some sort of comprehensive plan on where we are going he doesn't see how this is a benefit. He

said if they were moved into a space that didn't fit we should readdress the space issues. Chairman MacAskill also noted that this will make it difficult as all the 2nd floor department heads work together and they would have to walk over to the Albro House. He further noted that the Selectmen offered their office to the Engineering Department and he reiterated that he does not want to move forward with this without a comprehensive plan. Mr. Hughes moved to approve the request to relocate the Town Engineering Department to the Albro House. The motion was not seconded. Chairman MacAskill said he would like to see the questions answered from 2014. He questioned if we have to add a sprinkler system to that building. Mr. LaMantia also asked for a plan. Chairman MacAskill said the plan should be brought before the employees so as not to create the same turmoil as last year. It was the consensus of the Board to get a plan for the building. Mr. Clark noted his frustration as a plan was put together for which Mr. Libby did a tremendous amount of work, a request was put into this Board for \$12,000, the Board then asked for a building that would be up to standards and last for the next 30 to 40 years and he submitted an estimate of \$12,000 to do a comprehensive study and the Chairman never brought that before the Board. He commented that to say no plan has been done is really unfair. He said he can't force the Board to put something on the agenda. He commented that we can have the employees make all the decisions or we can have management make the decisions. He noted that they looked at improving customer service on the second floor and 90% of the people are looking for Building, Health or Planning and really the Engineering Department is a behind the scenes operation and that is why we considered moving them over. He added that ill will is being created as the Engineer and Surveyor want to move over and he agrees with their input yet the Board is saying no. Chairman MacAskill asked what Board he brought this forward to and Mr. Clark responded that Mr. Ballantine was the Chair. Chairman MacAskill said that this Board is asking for information to make sure this move makes sense.

B. Confirm Community Center Room Use Fees as recommended by Facilities Committee – *discussion & possible vote*

Ms. Carey noted that they have had a public hearing and several meetings on the fees and thanked Mr. Gunderson for his input. She took questions from the Board. Mr. LaMantia asked to be provided with what our costs are including light, heat, electricity. Ms. Carey noted that they looked at fees of all the surrounding areas and pointed out that we are the lowest. The Board took comments from Richard Gunderson. Mr. Hughes moved to confirm the Community Center Room Use Fees as recommended by the Facilities Committee for FY16-17. Mr. LaMantia said we need to know where we are versus other towns and what our costs are. Ms. Kavanagh agreed and said they need to have a better understanding of what is considered for profit. Ms. Carey said she could only provide current information. Chairman MacAskill asked Ms. Carey to bring back that additional information.

C. Update on design and bid process for Library historic restoration – *Sean Libby*

Mr. Libby provided background history on the project. He read the following recommendation:

During the Town Meeting article 39 was approved for \$540,000 for specific work including architectural services. The Town Engineer looked into whether a new bid contract would be required to continue with the services of McGinley Kalsow as requested by the library committee and me. He came back that we could with Board approval. As I

understand it the Board had questions regarding the proposal and the cost which was requested to be broken down. This was done and discussed in depth at the last Board meeting. The Board agreed to use the same architectural firm but limited the administrative and incidental request and removed the amount for paint analysis. I presented this to McGinley Kalsow and he offered the following feedback:

- Extremely surprised that our Historic Commission would not require the paint analysis for identification. This would be one of the first times with over thirty years' experience that he would have encountered this not being a requirement. It did not matter to him whether his firm subcontracted this out or we did it ourselves but felt it should be a requirement from the Historic Commission.
- The breakdown of their proposal was meant to be for informational purposes not to provide line items to pick and choose from. He is not comfortable with what the Board approved and does not want his company's name associated with the project if not allowed to ensure its successful completion.

The question is now back to the Board of whether to approve the proposal of McGinley Kalsow or to send the requirement out to public bid. Before any discussion and decision I would like to offer you the following:

- Both the Town Engineer and I do not feel qualified working with our Historic Commission to meet their requirements of preservation which is not the same as regular construction.
- This firm did the original evaluation and has an excellent reputation. Using a new firm may bring up questions, alternative ideas and different opinions/solutions than what were approved by CPC and the Town Meeting.
- The firm that is awarded the contract would be responsible for answering all contractor RFIs, and all negotiations and approvals with the Historic Commission as well as conducting QA to ensure the work meets the spec of detailed preservation and the Historic Commission's requirements.
- Bottom line is the Library Trustees, the Town Engineer and I all agree that continuing on with services from this architect makes the best business sense to us.

Mr. Hughes wanted a commitment that the building would be white. Ms. Warde said she met with the Historic District Commission and in the process of them voting to support, they specifically asked for a paint analysis to preserve the historic record of this building. She said it would be up the trustees to go to Historic District Commission to change the color. She added that the likeliness is the building will remain white but perhaps in the future that would change with other trustees but at least they would have the historic record.

Chairman MacAskill pointed out that paint analysis is required by the Department of Interior.

Ms. Hewitt stated that there are a number of people who feel the building should return to its original color. She noted that they don't need permission to keep it white, because it isn't a change and once the chemical process starts they wouldn't have a record of what the original colors were. Mr. Hughes suggested obtaining the minutes where the Trustees voted to keep the existing color.

Chairman MacAskill noted that they are being asked to reconsider their vote with the restriction they put on the dollar amount and since the agenda doesn't indicate that this item will be voted on, he believes it should be brought back. Mr. Clark responded that if it's on the agenda then it's implied that you could vote.

Mr. Libby said not only is he uncomfortable but the contractor said he is as well and will not do the job.

Mr. LaMantia encouraged the Board to vote as this has been discussed at length and they are holding up a major project.

Mr. LaMantia moved to accept going forward as presented in the document today. Chairman MacAskill pointed out that this should be a motion to reconsider. Mr. LaMantia moved to reconsider the restrictions previously placed. Ms. Kavanagh seconded the motion and the motion carried by a 3-0-1 vote with Mr. Hughes in opposition.

Ms. Kavanagh moved to accept the contract with McGinley Kaslow in the amount of \$49,892. Mr. LaMantia seconded the motion and the motion carried by a 3-0-1 vote with Mr. Hughes in opposition.

## **NEW BUSINESS**

### **A. Road Safety Audit for Route 39 at Pleasant Bay Road – *discussion & possible vote***

Mr. Clark recommended that the Board put this on the agenda for September 19<sup>th</sup> and that the residents take this as notice that there will be discussion. He noted that it is not a public hearing and he proposed that Mr. Tupper of the Cape Cod Commission go over the process of what is a road safety audit and then he and Mr. Hooper would recommend next steps in the process to ensure a greater level of safety than what exists now.

### **B. Wastewater Implementation Committee next steps – *discussion & possible vote***

Mr. DeBakker reported the following information:

The CWMP is now approved under MEPA (Mass Environmental Policy Act) and the Cape Cod Commission (DRI with conditions). There's a 30-day appeal period, which ends towards the end of September. At that point the CWMP is a fully approved plan.

The Muddy Creek is project completed.

The Cold Brook Attenuation Project: Study complete, findings were discussed with HCT on August 26.

Next Steps:

As a consequence of the approval of the CWMP by the MEPA Office and the CCC the Plan must be implemented, and resources be set aside for this 40-year, \$200mm Program. There's no turning back.

The project now moves from Program Plan to Implementation. This requires Funds and Resources; they are aspects of the Plan that are beyond the authority of the WIC. The Plan requires that implementation be monitored, to ensure that regulatory requirements are met. There are several milestones in the MEPA Certificate, and the DRI Record of Decision, that are expected to be adhered to. To ensure that Nitrogen levels are indeed being reduced, we need to continue to monitor the water quality, and maintain a database of our readings.

To ensure that Harwich residents are well-informed about the activities and expenditures with which they are going to be faced, it is essential that an appropriate and effective Public Outreach Program be established. In the near term CDM Smith is probably best-suited to take on this task at minimal cost.

With the CCC, the Town needs to continue to evaluate new technologies as they develop, and see how they may apply to the CWMP, and revise the Plan accordingly.

The new Town Planner develop Build-out and Growth strategies, paying particular attention to identify possible Open Space acquisitions.

Develop policies for Fertilizer use and Storm Water mitigation.

Have the Board of Health develop new regulations that reflect the requirements of the CWMP.

Finally, develop a program that addresses the algae growth problem in all of the Town's Ponds. Hinckleys Pond is the largest pond located entirely in Harwich.

Finalize an IMA with Chatham re wastewater treatment at their facility

Finalize the cost recovery model, with % allocation to each cost recovery element

Prepare for the acceptance of the necessary Articles at Town Meeting

Continue discussions with Dennis and Yarmouth to evaluate benefit of a single wastewater treatment facility for the three Towns

Continue discussions with HCT re Cold Brook attenuation

Identify who is going to:

Be responsible for the implementation of the CMWP

Be responsible for the design and build of the system, certainly for the first Phases.

He thanked the Committee members, David Young and the staff of CDM Smith, the various Boards and Committees who assisted, Frank Sampson and the Board of Selectmen.

C. Overview DEP & Cape Cod Commission approval of CWMP next steps – *discussion & possible vote*

Dave Young congratulated the Town and provided an overview of the process. He pointed out that this is a living document, this is just the start, and there are things you need to report back on an annual basis as to how you are implementing your program.

Mr. DeBakker and Mr. Young took questions and comments from the Board. Mr. DeBakker suggested changing name of committee to Wastewater Implementation and Information Committee. Mr. Hughes suggested the committee develop an RFP for the design phase of East Harwich. Mr. LaMantia emphasized the need to explain to the residents that we are doing this as we are under extreme pressure to clean up our waters and estuaries. He urged the committee to do this and Mr. DeBakker responded that this isn't his area of expertise and they would need a web designer and someone to brief the newspapers. Mr. Young stated that the record of decision from the Cape Cod Commission identifies an adaptive management plan to be created by the Town and one of the first tasks is to create a technical review committee with a charge of multiple items. He noted that he had worked on a draft charge with Mr. Ballantine. He said that whatever committee they form they need to meet the requirement to create an adaptive management plan. Mr. Hughes suggested that as liaison perhaps he join them for a brainstorming session to come up with a scope and draft charge and bring back. It was agreed to do that in October.

The Board took comments from Ed Wile who suggested using a broader term such as Quality Water Commission.

D. Contract overview for services from CDM Smith – *discussion & possible vote*

Mr. Clark reviewed the scope of services in the letter dated June 22, 2016 from CDM Smith. He stressed the need to bring forward a package for Town Meeting to include not only the IMA but also associated by-laws/rules and regulations that need to be adopted, design and construction of the East Harwich portion, and proportional costs of the pump station. Mr. Young agreed to come up with an initial proposal for publicity/informational materials for the CWMP.

E. Community Rating System Annual Recertification – *vote to authorize Chair to sign*

Mr. LaMantia moved to authorize the Chairman to sign. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

## **TOWN ADMINISTRATOR'S REPORT**

A. Designer Selection Review Committee for Saquatucket Harbor professional services

Mr. Clark noted that the bids are in and this will be coming before the Board. He said it makes sense to do both the landside and waterside projects simultaneously and he believes we should get a favorable response.

Mr. Clark reported that there will be rollouts of various components of Accela and Ms. Champagne will do a presentation on September 19<sup>th</sup>.

Mr. Clark reported that our local inspector is one class away from achieving full certification to be a building inspector. He said he intends to bring forward internal candidate Jay Briggs for as full-

time replacement for Mr. Riquinha who has agreed to come in on Fridays during the transitional period.

Mr. Clark reported that he distributed the capital project instructions and requests are due in toward end of September after which he will set up a schedule with the Capital Outlay Committee.

Mr. Clark reported that he will be requesting that the Finance Committee vote the year end budget adjustments and approve a request from the Fire Department for funds to update software.

## **SELECTMEN'S REPORT**

### **A. Town Administrator's Evaluation Form**

Chairman MacAskill asked the Board to send him any suggestions for changes on this form. Mr. Clark said he expected to have changes for the Board to evaluate.

### **B. Action Item Register**

Chairman MacAskill stated that any comments on this should be directed back to Ms. Greenhalgh. Mr. Hughes said he envisions updating this at this point, adding and taking off items. Chairman MacAskill agreed that it should be on the agenda routinely. Mr. LaMantia said it should be part of the Town Administrator's evaluation. Mr. Clark said it should be part of "New Business" if the Board wants to add items.

### **C. Committee Vacancies**

Chairman MacAskill read the committee vacancies list.

Mr. LaMantia suggested that the Board start reviewing their policies starting with the Free Cash Policy.

## **ADJOURNMENT**

Chairman MacAskill adjourned the meeting at 9:00 p.m.

Respectfully submitted,

Ann Steidel  
Recording Secretary

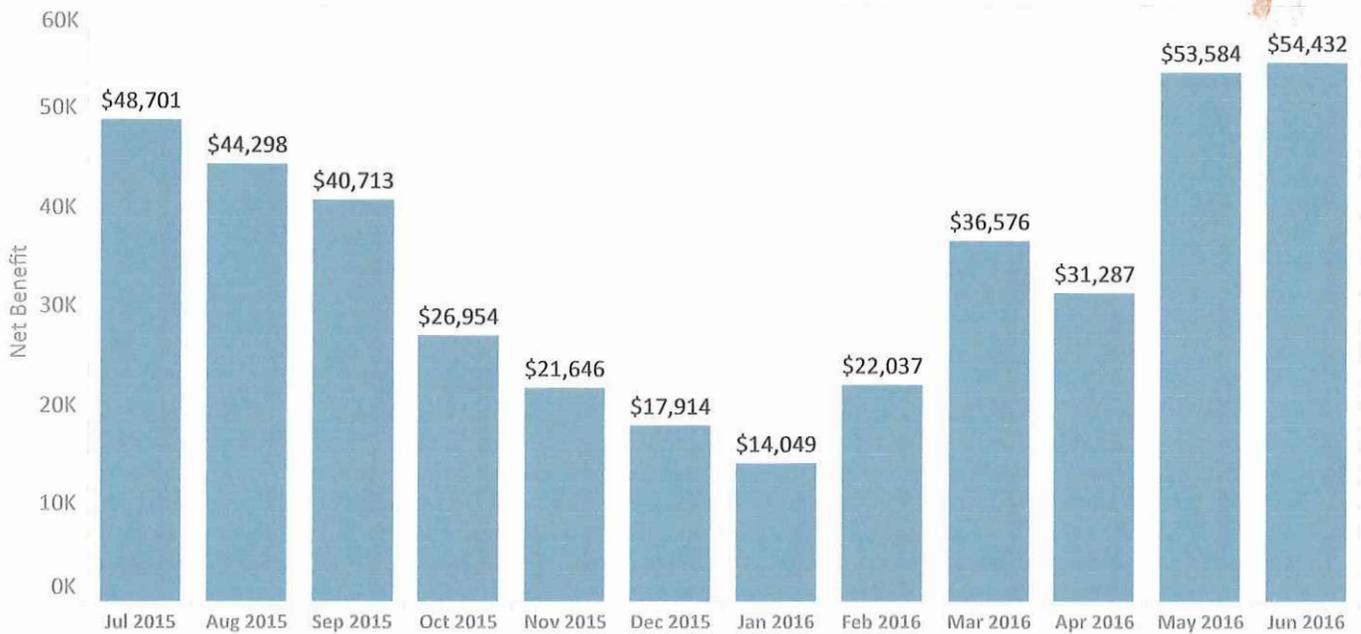
# CVEC Net Metering: Participant Report

Participant: Harwich  
 From: July 2015  
 To: June 2016

## Participant Benefits and Costs by Project

Participant Type	System Name	NMC Share	Developer Cost Share	CVEC Admin Cost Share	Revenue Sharing Share	Net Benefit
Host	Harwich Landfill	\$560,843	(\$246,062)	\$0	\$97,410	\$412,191

## Participant Benefits and Costs by Month



This report is based on the Eversource meter reads for the months of July 2015 through June 2016.

## Related Documents - 9/6/16 BOS Meeting

- 01 Agenda.pdf
- 02 July 25, 2016 Minutes.pdf
- 03 August 8, 2016 Minutes.pdf
- 04 Sampson Fund Fee Waiver.pdf
- 05 Eversource Petition.pdf
- 06 DTC Election Workers.pdf
- 07 RTC Election Workers.pdf
- 08 Cranberry Festival Liquor.pdf
- 09 One-Day Entertainment.pdf
- 10 Chapter 90 Request.pdf
- 11 Engineering Move to Albro.pdf
- 12 Community Center Fees.pdf
- 13 Library Historic Restoration.pdf
- 14 Road Safety Audit.pdf
- 15 CC Commission on CWMP.pdf
- 16 DEP on CWMP.pdf
- 17 CDM Smith Contract.pdf
- 18 Community Rating System.pdf
- 19 Town Administrator Evaluation Form.pdf
- 20 Action Item Register.pdf
- 21 Committee Vacancies.pdf