

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, MAY 9, 2016
6:30 P.M.**

APPROVED

SELECTMEN PRESENT: Brown, Cebula, Hughes, LaMantia, MacAskill

OTHERS PRESENT: Town Administrator Christopher Clark, John Rendon, Lincoln Hooper, Taylor Powell, Carol Novak, and others.

CONSENT AGENDA

- A. Approve Minutes:
 - 1. April 11, 2016 Regular Session
 - 2. May 2, 2016 Pre-Town Meeting
- B. Accept the resignations of Paul Thibeau, and Rosemary Thibeau from the Treasure Chest Committee
- C. Approve the recommendation of the Board's Interview/Nominations Subcommittee to appoint Sheila Eldredge as a full member of the Treasure Chest for a one-year term
- D. Approve the recommendation of the Board's Interview/Nominations Subcommittee to appoint Karin Larson to the Saquatucket Development Committee for a one-year term
- E. Approve Mooring Regulations changes per the request of the Harbormaster
- F. Approve application for a Road Race for 2016 Bike MS Cape Cod Getaway

Ms. Brown moved approval of the minutes of April 11, 2016. Mr. LaMantia seconded the motion and the motion carried by a 4-0-1 vote with Ms. Cebula abstaining from the vote. Ms. Brown moved approval of the balance of the agenda. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

PUBLIC HEARINGS/PRESENTATIONS *(Not earlier than 6:30 P.M.)*

- A. Public Hearing – Application for a Seasonal, General on-Premise, All Alcoholic Beverages License for Go Industries, Inc. d/b/a Perks in Harwich Port

Ms. Brown read the hearing notice into record. Chairman Hughes opened the hearing. Mr. Powell, manger, delivered the abutter notification documentation to Mr. Clark. Mr. Powell explained the rationale behind the request to upgrade the license noting that they lose money the whole month of June and they only have a 7 week season so they need to do everything possible to generate revenue. He also noted that they have had no infractions. Chairman Hughes asked if there would be any changes to the layout of the building or seating and Mr. Powell responded that there would not. With no one from the public appearing, Chairman Hughes closed the hearing. Mr. MacAskill moved to approve the application for a Seasonal, General On-Premise, All Alcoholic Beverages License for Go Industries, Inc. d/b/a Perks in Harwich Port. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

- B. Ballot Question Review

Chairman Hughes outlined the ballot questions. No action was taken.

NEW BUSINESS

- A. Recommendation of Harbormaster regarding a Special Purpose Mooring for the Stone Horse Yacht Club – *discussion & possible vote*

After discussion with Mr. Rendon, Mr. MacAskill moved to approve the recommendation of the Harbormaster regarding a Special Purpose Mooring for the Stone Horse Yacht Club. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

- B. Recommendation of the Harbormaster regarding the designation of commercial fishing vessel moorings – *discussion & possible vote*

After discussion with Mr. Rendon, Mr. MacAskill moved to approve the recommendation of the Harbormaster for the designation of commercial fishing vessel moorings. Ms. Brown seconded the motion and the motion carried by a unanimous vote.

- C. Contract between the Town and the Department of Fish and Game for reconstruction of bulkhead and concrete seawall/stone reconstruction at Allen Harbor Public Access Facility – *discussion & possible vote*

At Mr. Rendon's recommendation, Ms. Cebula moved to accept and approve the contract between the Town and the Department of Fish and Game for reconstruction of bulkhead and concrete seawall/stone reconstruction at Allen Harbor Public Access Facility. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

- D. Seasonal Labor Rate Adjustment for DPW – *discussion & possible vote*

At Mr. Hooper's recommendation, Ms. Brown moved to approve the Seasonal Labor Rate Adjustment for DPW from Grade 3 to Grade 7. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

- E. Purchase of the Sutphin Property – *discussion & possible vote*

Mr. Clark discussed the following memo that he had submitted dated May 2, 2016:

It was brought to my attention on Wednesday, April 27, 2016, during the review of funding sources for the Sutphin acquisition, that there is an issue with the funding source. Simply put, at the May 6, 2014 Special Town Meeting, appropriation was made towards the purchase of two parcels of Sutphin property for conservation purposes. The funding source identified in the article is twofold, the first \$220,000 from Community Preservation Act funding with \$73,000 coming from the Harwich Conservation Trust (HCT). The HCT provided the funds to the Town in October 2014 and a check was prepared in the same month assuming that a closing would occur timely. Due to issues on the Sutphin side, the closing has been delayed for an extended period and is only now coming to fruition. Our Finance Director has indicated that

the \$73,000 from the HCT that should have been put into a gift account was left in the General Fund. At the conclusion of FY15, the \$73,000 was converted to free cash. The Town has an obligation to replace the \$73,000 from HCT. Due to the length of time related to the closing and a desire to complete the Sutphin acquisition, HCT has agreed to come up with \$73,000 towards the Sutphin closing and is willing to wait for reimbursement of the original \$73,000.

I will be asking the Board of Selectmen tonight to vote to commit to placing an article on the next available Town Meeting, whether it be a Fall Special or next May's Annual to reimburse HCT \$73,000 since the original gift was inadvertently included in free cash. The 2016 Annual Town Meeting calls for a large addition in funds to the Town's stabilization account, included in the sum was the \$73,000. I would ask that the next Town Meeting the \$73,000 from stabilization be used to reimburse HCT. The gift was originally submitted under Massachusetts General Law Chapter 44, Section 53A that called for the funds to be used consistent with the original article for acquisition of the Sutphin property. Reimbursement is legally warranted under this General Law.

Mr. Lach agreed with Mr. Clark's explanation of events. Ms. Cebula questioned what happens if Town Meeting does not approve the reimbursement of the \$73,000 and Mr. Clark responded that the most we can do is present a compelling case to Town Meeting. He said we could enter into settlement discussions and then be compelled to put it on our recap sheet.

Ms. Cebula moved that we accept the findings on the purchase of the Sutphin property and the \$73,000 and that the Board of Selectmen commit to placing an article on the next available Town Meeting to reimburse the Harwich Conservation Trust the \$73,000. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

TOWN ADMINISTRATOR'S REPORT

A. VNA Contract update

Mr. Clark reported that he entered into a VNA Contract for \$5,000 for services for the Board of Health.

B. Town Administrator status update

Mr. Clark reported that during the period of uncertainty regarding his contract, he had made a commitment to 3 other towns. He stated that he is not going to any of those towns and it is his intent to sign the two year extension. He noted that since the Board voted to extend his contract, he has not applied to any additional jobs. Chairman Hughes noted that he has received a draft of the contract from Town Counsel and will put it in the Board's packet next week.

Mr. Clark reported on a meeting he had today with a records retention company. He noted that he expects that we will apply for CPC funds for this project and will put it on the Capital Plan.

SELECTMEN'S REPORT

A. Selectmen's Proposed Summer Meeting Schedule for discussion

Ms. Brown moved to accept the summer meeting schedule with the exception that the Board meet on September 6th rather than September 5th. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

ADJOURNMENT

Chairman Hughes adjourned the meeting at 7:51 p.m.

Respectfully submitted,

Ann Steidel
Recording Secretary

Related Documents - 5/9/16 BOS Meeting

- 01 Agenda.pdf
- 02 Minutes - April 11.pdf
- 03 Minutes - May 2.pdf
- 04 Resignation - Treasure Chest.pdf
- 05 Appointments.pdf
- 06 Mooring Regs Amendments.pdf
- 07 MS Society Road Race.pdf
- 08 Public Hearing - Perks Liquor Lic.pdf
- 09 Ballot Questions.pdf
- 10 Special Purpose Mooring.pdf
- 11 Designation of Commercial Fishing Moorings.pdf
- 12 Contract - Allen Harbor Public Access Facility.pdf
- 13 Seasonal Labor Rate Adjustment.pdf
- 14 Purchase of the Sutphin Property.pdf
- 15 VNA Contract - TA Rpt.pdf
- 16 Natural Gas Work in Harwich - TA Rpt.pdf
- 17 Proposed Summer Meeting Schedule.pdf