

APPROVED

**MINUTES
SELECTMEN'S MEETING
REMOTE PARTICIPATION ONLY
MONDAY, MAY 4, 2020
6:30 P.M.**

RELEASED

SELECTMEN PARTICIPATING: Ballantine, Ford, Howell, MacAskill, McManus.

ALSO PARTICIPATING: Interim Town Administrator, Joseph Powers, and Meggan Eldredge, Health Director

CALL TO ORDER

Mr. Ballantine opened the meeting at 6:30PM and called to order the Board of Selectmen. Roll-call: Mr. MacAskill – Here, Mr. Ford – Here, Mr. Ballantine – Here, Mr. Howell – Here, Mr. McManus – Here.

WEEKLY BRIEFING

A. Coronavirus – COVID-19 Update

Ms. Eldredge said of the 32 positive cases of Coronavirus in Harwich, 31 persons have recovered and there is one person with an active case who is isolated at home. She said there have been 6 deaths in Harwich: 2 in the community and 4 in a long-term-care facility. Ms. Eldredge said that since Wingate-Harwich is a private business, residents and staff in this long-term-care facility were tested and traced by the State. She said there is an issue at Wingate; however, she is in contact with them and is watching the situation.

NEW BUSINESS

- A. Discussion and possible vote (to authorize the Chair to sign) for Master Services Agreement (MSA) with AECOM for continued EPA/DEP Municipal Separate Storm Sewer System (MS4) compliance support.**

- B. Discussion and possible vote (to authorize the Chair to sign) to authorize Task 1 under the MSA in the amount of \$31,200 for FY20 MS4 compliance support.

Griffin Ryder, Town Engineer, was present at the meeting by remote participation. He presented Items A and B and answered questions from the Selectmen satisfactorily. He said the Finance Director has certified the expenditure, adding that the proposed motions have the approval of the Interim Town Administrator. Mr. Ryder noted that \$40,000 had been budgeted for this expenditure.

Mr. Ford moved approval of Item A. Mr. Howell seconded. Roll-call vote: Mr. Howell – Yes, Mr. Ford – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, and Mr. Ballantine – Yes. Motion carried by unanimous vote.

Mr. Ford moved approval of Item B. Mr. Howell seconded. Roll-call vote: Mr. Howell – Yes, Mr. Ford – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, and Mr. Ballantine – Yes. Motion carried by unanimous vote.

- C. Discussion and possible vote on matters related to COVID-19 impacts on staffing and programs including:
1. Seasonal staffing
 2. Beach access
 3. Beach fee and sticker sales
 4. Disposal fees

Carol Coppola, Finance Director; Eric Beebe, Recreation Department Director; Lincoln Hooper, Department of Public Works (DPW) Director; and Dana DeCosta, Finance Committee Chairman, were present at the meeting by remote participation.

During the broad discussion, the following points were made:

- Mr. Powers reminded of the active hiring freeze and suggested looking at temporary reassignments, providing the effected bargaining units are in agreement.
- Mr. Beebe said although no decisions have been made in other Cape towns, the feeling is to go for full opening of the beaches by the end of June with limited parking.
- The full complement of life guards in Harwich is 30, and in addition there are gate attendants and supervisors. 27 guards have requested to return.

- If the beaches are open for the season, restrooms there would need to be open with more frequent cleaning and limited occupancy at any one time – because of COVID-19.
- Trash pickup would be required with open beaches
- Fixed expense of fully-staffed open beaches vs. reduced estimated revenue
- Will visitors observe self-quarantine requirement
- Pros and cons of issuing the one-day pass
- Selectmen would like to see a written plan to include
 - i. Sticker revenue data
 - ii. How many life guards and at what beaches
 - iii. How to manage social distancing
 - iv. Rational for having life guards at lakes
 - v. Review of what other Cape Towns are planning
 - vi. Pros and cons of open beaches without life guards, including legal opinion on this option
- Selectmen in total agreement that Harwich beaches will be open for the summer.
- One-day passes: to sell or not to sell – to be debated on a future agenda

Based on the recommendation of the Interim Town Administrator, Mr. MacAskill moved to approve the purchase of beach fees and sticker sales in the same manner as last year (Item C 3). Mr. McManus seconded. Roll-call vote: Mr. Ford – Yes, Mr. McManus – Yes, Mr. MacAskill – Yes, Mr. Howell – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Discussion of Item C 4 included the following:

- Mr. Hooper presented a proposed increase in the Transfer Station fee structure, noting there has not been an increase in 5 years.
- Selectmen expressed thanks to entire DPW staff for an outstanding job during this COVID-19 situation
- Selectmen would like written report concerning the pros and cons of closing the Transfer Station one or two days each week, including financial comparisons, prior to considering increased fees (Mr. Hooper will provide)
- Whether or not a public hearing on increased fees is required (Mr. Powers will get answer)
- Decision is needed before June 1, when sticker sales start. Mr. Powers said item will be on the May 11th agenda.

OLD BUSINESS

- A. Discussion on proposed 2020 Annual Town Meeting Warrant (scheduled for Monday, June 22, 2020)
1. Critical financial items including operating budget and capital plan articles
 2. Citizen petitioned articles and possible postponement to a future Town Meeting

Patrick Otton, proponent of petitioned article, joined the meeting by remote participation.

The following points were made during discussion:

- Are any Cape towns postponing their Annual Town Meeting to the fall? (Mr. Powers will get answer)
- Legislation is pending in the State Senate which would allow a Town to reduce the quorum required to transact business at a Town Meeting, with the intent of reducing it to 10 percent of normal quorum, which for Harwich is 150 at present
- Even if quorum is reduced to an estimated 15, Town Meeting attendees could not be turned away
- Alternate venues should be considered, for example, the Regional High School
- Selectmen agreed to remove whatever articles are not absolutely critical from the Draft June 22nd Annual Town Meeting Warrant, as follows:

Mr. Howell moved to remove Article 15, Dennis-Harwich-Yarmouth (DHY) Clean Water Community Partnership (pg 17), from the Draft Warrant for the Annual Town Meeting. Mr. MacAskill seconded. Roll-call vote: Mr. Howell – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Mr. Howell moved to remove Article 19, Amendment to Agreement re: Monomoy Regional School District (pg 19), from the Draft Warrant for the Annual Town Meeting. Mr. MacAskill seconded. Roll-call vote: Mr. Howell – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Mr. Howell moved to remove Article 20, PEG Fund Request (pg 29), from the Draft Warrant for the Annual Town Meeting. Mr. MacAskill seconded. Mrs. Coppola said the Monomoy Regional School District has asked that this Article be removed from the Warrant. Roll-call vote: Mr. Howell – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Mr. Howell moved to remove Article 14, Purchase and Equip Vehicles for the DPW, from the Draft Warrant for the Annual Town Meeting. Mr. Hooper said all DPW Articles can be removed from the Warrant. Mr. MacAskill seconded. Roll-call vote: Mr. Howell – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Mr. Howell moved to remove Article 22, Amendments to Cemetery Rules and Regulations (pg 30), from the Draft Warrant for the Annual Town Meeting. Mr. MacAskill seconded. Roll-call vote: Mr. Howell – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Mr. Howell moved to remove Article 30, M.G.L.-Disposition of Unclaimed Property (pg 38), from the Draft Warrant for the Annual Town Meeting. Mr. MacAskill seconded. Roll-call vote: Mr. Howell – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Mr. Howell moved to remove Article 32, M.G.L.-Board of Assessors-Tax Deferral (pg 39), from the Draft Warrant for the Annual Town Meeting. Mr. MacAskill seconded. Roll-call vote: Mr. Howell – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Mr. Howell moved to remove Article 34, Charter Amendment-“Selectmen” to “Select Board” (pg 40), from the Draft Warrant for the Annual Town Meeting. Mr. MacAskill seconded. Roll-call vote: Mr. Howell – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Mr. Howell moved to remove Article 35, By-Law Amendment-Hazards, Environmental (pg 40), from the Draft Warrant for the Annual Town Meeting. Mr. MacAskill seconded. Roll-call vote: Mr. Howell – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Mr. Howell moved to remove Article 36, By-Law Amendment-Hazardous Materials (pg 41), from the Draft Warrant for the Annual Town Meeting. Mr. MacAskill seconded. Roll-call vote: Mr. Howell – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Mr. Howell moved to remove Article 37, By-Law-Wetlands Protection (pg 42), from the Draft Warrant for the Annual Town Meeting. Mr. MacAskill seconded. Roll-call vote: Mr. Howell – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Mr. Howell moved to remove Article 38, By-Law-Delete Essential Services Definition (pg 54), from the Draft Warrant for the Annual Town Meeting. Mr. MacAskill seconded. Roll-call vote: Mr. Howell – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Mr. Howell moved to remove Article 39, By-Law-Zoning District Boundary Line (pg 54), from the Draft Warrant for the Annual Town Meeting. Mr. MacAskill seconded. Roll-call vote: Mr. Howell – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Discussion of petitioned articles (Item A 2) included the following points:

- Consensus of Selectmen to remove the citizen-petitioned articles from this Warrant, with understanding that Selectmen will add them to the Warrant of the next Town Meeting
- Mr. Otton said he is in agreement with deferring/delaying, or Indefinite Postponement (IP), as long as he doesn't have to re-file the petition
- Mr. Powers said there is nothing to prevent anyone from making a positive motion on the floor of Town Meeting

- Legal counsel needed concerning whether or not all petition signers have to agree to IP or to removal from the Warrant
- Pending Senate legislation could possibly deal with petitioned articles
- Mr. Powers will check with Town Clerk to learn of past practices
- Mr. Powers is waiting for responses from petitioners to his letter concerning disposition of each petitioned article
- Selectmen agreed that more review is required; to be on a future agenda

OPEN PUBLIC FORUM

The Chairman opened the Open Public Forum. The public was invited to call in and participate in the meeting to offer comments and/or questions. Scott Tyldesley reviewed the procedure for remote participation. The appropriate phone number was displayed. There were no additional call-ins or emails.

TOWN ADMINSTRATOR'S REPORTS

Mr. Powers said there is a one-item agenda meeting of the Board tomorrow, May 5th at 12Noon.

SELECTMEN'S REPORT

Mr. Ballantine said some mechanism will need to be worked out to accommodate remote participation interviews to fill committee and board vacancies.

Mr. McManus said the Massachusetts Municipal Policy Committee will be holding a remote participation meeting tomorrow, May 5th, from 11AM to 1PM. Topic to be discussed is pending Senate legislation which will govern town meeting quorum requirements.

ADJOURNMENT

Mr. Howell moved to adjourn. Mr. Ford seconded. Roll-call vote: Mr. MacAskill – Yes, Mr. Ford – Yes, Mr. Howell – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Respectfully submitted,

Dorothy G. Hemmings
Recording Secretary
Pro Tem