

APPROVED

RELEASED



**MINUTES**  
**SELECTMEN'S MEETING**  
**GRIFFIN MEETING ROOM**  
**Monday, December 9, 2019**  
**6:30 P.M.**

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

**ALSO PARTICIPATING:** Interim Town Administrator Joseph Powers.

**CALL TO ORDER**

Mr. Ballantine 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 6:00 pm for an Executive Session. They convened in Executive Session for the purpose of discussing strategy concerning a potential agreement with non-union personnel. They also discussed strategy for a litigation matter in front of them.

**WEEKLY BRIEFING**

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

Mr. Joseph Powers, Interim Town Administrator, provided the update and said that for the one week look ahead for the week of December 9<sup>th</sup> through December 13<sup>th</sup>, Mainline Sewer Crew # 1 will continue installation on Route 39, detours will be needed, however they are expecting to be clear of Route 39 hopefully sometime this week, weather permitting. Mainline Sewer Crew # 2 will continue installation on Sou' West Drive and also continue installation on Route 137, which will require detours. The two week look ahead, for the week of December 16<sup>th</sup> through the 20<sup>th</sup>, Mainline Sewer Crew # 1 will have their subcontractors performing various tasks at various locations. Mainline Sewer Crew # 2 will continue installation on Route 137, still necessitating detours. Mr. Powers also mentioned that there is an expectation for extended hours next week. This would be for the work related to Route 137, because of an installation of a deep man hole. They are working on confirming with public safety and once confirmed they will have it on the website, and

announce it next week here as well. Mr. Ballantine asked if this is the second of the deep man holes. Mr. Powers confirmed this is the second of what they expect to be five opportunities for extended hours. Mr. Ballantine also asked if the businesses have been contacted on that street to keep them up to date. Mr. Powers confirmed that Mr. Charlie Sumner has been in touch with them.

Mr. Powers continued with the three week look ahead, which is during the week of Christmas. There will be no work on December 25<sup>th</sup>. However, on December 23<sup>rd</sup>, 24<sup>th</sup>, 26<sup>th</sup>, and 27<sup>th</sup>, Mainline Sewer Crew # 1 will still be working with their subcontractors and Mainline Sewer Crew # 2 will continue installation on Route 137, with detours.

## **PUBLIC COMMENTS/ANNOUNCEMENTS**

- A. Ms. Carolyn Carey, Director of the Community Center, wanted to let them know that the Community Center has the red mailbox out for letters for Santa. Also, she hears that he has been writing back. For those of you that have not noticed, the lights are on at the Cultural Center and they started this weekend from 4:30 pm to 10:00 pm. During that time, you must enter from South Street, and it is one-way. She added that on December 18<sup>th</sup>, outside of the Cultural Center, they are requesting a donation of a canned good, which will go the Family Pantry. She also added, if people come to see the lights, please remain in your car.
- B. Ms. Charleen Greenhalgh, Town Planner, shared as a heads up for folks that this Wednesday morning at 10:00 am, the Barnstable County Commissioners are taking up the West Harwich DCPC at their meeting. It is being held at the Superior Court House.
- C. Ms. Amy Usowski, Conservation Administrator, wanted to let the Board and the public know that this Thursday at 9:30, she and AmeriCorps member Hannah Schmidt will be leading a natural history walk in the Bells Neck Conservation area. They have about 20 to 25 people already and they will be meeting at 9:30 am, off the Depot Street entrance, at the fish ladder.
- D. Erica Strzepek, Program Aide, Harwich Cultural Center, wanted to remind the Board that the Mass Cultural Council is convening a series of regional meetings to learn about the status of rehearsal, production, and artist's workspaces in Massachusetts. The focus will be on the places where artists make and performers work, rehearse, and produce. This is not necessarily the

place where the public would go to see the work. People that should attend the meeting would be those who tangibly support creative work spaces, which includes, but is not limited to, artist's workspaces, operators, owners, developers, artist funders, municipalities, community members, and anyone that has worked as a part of artist workspaces in Massachusetts. Ms. Strzepek was very happy that they were chosen to host this for Cape Cod. This will be tomorrow from 10:00 am - 12:00 pm.

- E. Mr. Ballantine wanted to announce that they received notification from Chief Norm Clarke that he has decided to retire, effective July 17<sup>th</sup>, 2020, after 43 years. Mr. Ballantine said that Chief Clarke gave them a great letter announcing this and he read it out loud. Chief Clarke said the letter said it all and thanked everyone.

## **CONSENT AGENDA**

### **A. Minutes:**

1. May 13, 2019 Regular Session
2. June 3, 2019 Regular Session

- B. Vote to accept the resignation of Dean Hederstedt, Harwich Board of Appeals, effective 12.5.19

Mr. MacAskill moved to approve the minutes of May 13, 2019, Regular Session and June 3, 2019, Regular Session, and also vote to accept the resignation of Dean Hederstedt, Harwich Board of Appeals, effective 12.5.19. Seconded by Mr. McManus. All in favor, motion carried by unanimous vote.

## **NEW BUSINESS**

- A. DHY Clean Waters Professional Services Agreement Discussion – Dave Young, CDM Smith

Mr. Ballantine explained that since there are only three Board members present, they have postponed this item until a week from tonight, so that they can have a full board present.

- B. Annual Meetings with the Board:

## 1. Conservation Committee

Mr. Brad Chase, Conservation Commission Chairman was present to give a summary of their report. He said that they have a committee of seven full-time members and two alternates. He explained that it has been a while since they have had the full seven and it is great to have them all there. He said that it is his fourth term on the committee, and he thinks they have one of the best groups in terms of dedication and experience. They are also fortunate to have professional assistance from Ms. Amy Usowski, as their Conservation Administrator, as well as, Ms. Nicole Smith, as the Assistant Conservation Administrator.

Mr. Chase said that this past year, the Conservation Department has issued just under 100 administrative review permits, for minor work in the outer buffer zones on properties. They held hearings twice a month, and as of November 20, 2019, there have been 146 individual hearings at those meetings. He said that they were for various applications, which sometimes required review or sometimes a continuance. They would have some back and forth to try and approve projects. They rarely deny projects, and they only denied one this year. They had a meeting last week and they have one more coming up, so the number of hearings will increase.

Mr. Chase said that in terms of enforcement, they had an increase in violations this year. They had 13 enforcement actions, which led to seven fines that were issued, with payments of \$3,300 received. The enforcement actions were generally for vegetation or tree clearing to improve vistas, as well as installation of docks and installation of hardscapes, in the buffer zones, without permits. He said that it is a concern, because if there are thirteen of them, there are more out there. They want to try and get ahead of them to try and enforce the need for permits.

Another responsibility of the Conservation Commission is to take care and custody of the just under 1,000 acres of conservation land. This past year, town meeting helped fund the purchase of the 14.9 acre Cornelius Pond Woodlands parcel, off of Queen Anne Road, in May. The Harwich Conservation Trust owns the parcel, and the conservation restriction is held by the Conservation Commission. This is a very

important activity and takes quite a bit of work to do it. This year they are asking for funds through the Community Preservation Committee, to purchase fencing, signage, and other items which will help to manage the properties more effectively.

The Commission is also working to revise regulations on docks and piers. This is to better protect the sensitive wetland resource areas and also to help clarify what the applicants need to do to get permissions. Secondly, they are working with the Natural Resources Department and the Conservation Department to try and deploy a pilot oyster reef project in the Herring River. This is a permitting project and is going to take over a year to try and get this project permitted. The idea is to try and seed oyster shells, and install the oyster reef in the river. This is to try and improve the ecology in the river, by the cleaning value the oysters can provide. Hopefully there will be more on this in the coming year. They are also trying to augment the fishing reef that was deployed off of Harwich, with demolition materials from the high school. The last item that he wanted to touch on is the Bells Neck Conservation Lands. This was an area that was leased for cranberry bog operations, for a number of years. A vote was made by the Commission to not lease it. They now need to find the best way to manage those properties, in the interest of the Conservation Department.

Mr. Ballantine commented that they are a very hard working committee and asked if Mr. Chase could introduce the other members that were present.

Mr. Chase said that present they had Mr. John Ketchum, and Mr. Stanley Pastuszak. He said that they are very active members and they are very fortunate with the present experience and dedication.

## 2. Harwich Port Parking Committee

Mr. Al Donoghue, Chairman, Ad Hoc Harwich Port Parking Committee, reported that the committee has met 15 times since its inception. They have made recommendations to the Board of Selectmen, which were accepted.

They included:

- The placement of signage in the Municipal Lot, the universal sign for parking {P}, with arrows on both sides of the sign. Traffic traveling along Route 28, east or west, can easily recognize the Lot. Similar signage was placed at the Pleasant Street entrance/exit.
- The parking lot known as “TD Bank Extension” was designated for “Employee Parking”, freeing up approximately 35 spaces in the Municipal Lot for visitor parking. This has proven to be very successful.
- With the grateful assistance of the Recreation and Youth personnel, the Municipal Lot was monitored periodically for compliance of “No Beach Parking”. There were approximately 10 to 12 times where it was noted that the Lot was being used for beach parking. For the most part, people complied.
- Ms. Cyndi Williams, Executive Director of the Chamber of Commerce, instituted an educational portion on the Chamber’s use of Wayfair signs. The information was placed on the Chamber website and was successful.
- The monitoring of the Municipal Lot at various times indicated the Lot had spaces available fairly frequently, during peak day time hours.
- The cooperation of TD Bank and Cape Cod Five, in allowing public parking after 5:00 pm, helped significantly.

Mr. Donoghue added that some additional changes the Committee would like to see happen, would be the relocation of the “No Beach Parking” sign along Route 28. They would like it relocated to the ladder sign, at the entrance to the Municipal Lot and Chamber of Commerce Building.

He concluded that the Committee, at this time, believes that it has done all that it can relative to parking in Harwich Port. They would recommend to the Board, at this stage, that the Ad Hoc Committee be disbanded. The Committee would need to meet one more time to allow for action on meeting minutes.

Mr. Ballantine asked if there would be any merit to hanging out a bit longer to monitor how it goes, through another season.

Mr. Donoghue said it could, and also mentioned that the recreation department could be good, if they monitored it.

Mr. Ballantine asked if they could review this in their next meeting for any follow up actions. Mr. Donoghue agreed.

### 3. Harwich Port Noise Containment Committee

Mr. Ballantine said that the Committee has asked to postpone their discussion until January, because they have not had a chance to meet.

Mr. MacAskill added that they had to cancel their last meeting due to weather, and therefore were not able to vote on some items. They would like to postpone till mid-January. Mr. Ballantine confirmed the rescheduling to that time.

### C. Vote – Annual Liquor License Renewals 2020 – as listed in the packet

Mr. Powers said that they appreciate the patience of the licensees over the last several weeks. They have had staff that have not been through the process before, though they are doing a fantastic job to get us to this point. He is happy to report that they expect that all annual licenses will be completed at next week's meeting, including; entertainment, common victuallers, auto and all of the others, so that is impressive work by staff to get it to this point. He is looking to have them vote on the list of renewals that are in the packet.

Mr. MacAskill moved that they approve the Annual Liquor License Renewals for 2020, as listed in the packet. Seconded by Mr. McManus. All in favor, motion carried by unanimous vote.

### D. Vote – Annual Common Victuallers License Renewals 2020 – as listed in the packet

Mr. MacAskill moved to approve the Annual Common Victuallers License Renewals 2020, as listed in the packet. Seconded by Mr. McManus. All in favor, motion carried by unanimous vote.

### E. West Harwich DCPC Update and Next Steps

Ms. Charleen Greenhalgh, Town Planner, repeated from what she said earlier that the hearing before the County Commissioners is Wednesday at 10:00 am. She then added that this past Wednesday, December 4<sup>th</sup>, the Assembly of Delegates voted 100% in favor of the ordinance. So, they voted to pass it, and it will now go on to the County Commissioner for their endorsement.

Ms. Greenhalgh said that the email in the packet is what she had written prior to attending the Assembly meeting. Essentially, her goal was to have the amendments completed for May 2020. However, she does not believe that there is any way to have the amendments completed for the February 2020 article deadline. As she said in the email, she would strongly request, recommend, plead that a Special Town Meeting within the regular ATM be called to provide additional time. After the Assembly of Delegates meeting she understood that from the date the County Commissioners actually sign, to make this approval, they are really looking at only having three months to work on this. She does not feel that is enough time to do what they need to do. From the date it is signed by the Commissioners, assuming they approve it on Wednesday, they will have twelve months to come up with the necessary bylaws, regulations, etc. She really thinks it will be an injustice if they do this too quickly.

She said that they will also need input from the people that own property in that area, and a lot of them are summer residents. If they try to do that through the winter, the residents will not have the opportunity to participate in a one on one. Her goal is to have a meeting every two weeks, not necessarily before the Planning Board or the Board of Selectmen, but to have workshops, so that they can hear from the people in that area. She said that they will be working with the staff from the Cape Cod Commission, but she is concerned if they try and do it in three months.

Mr. Ballantine said it seems that everyone agrees with that. He would be interested to know how much help they would be getting from the Cape Cod Commission.

Ms. Greenhalgh said that it is a huge job and when she met with the Commission, when the nomination was made, there was a team ready, willing, and able to help them out. However, they do not know all of the players. So, they will be able to help with the drafting of the language and what the Commission will ultimately accept. They are on board and she is very happy with the team that was appointed to work with them.



Mr. Ballantine said speaking for the board, they are all willing to help out.

Ms. Greenhalgh said she is retiring in July, so she is going to try and get as much done as she can. So, whoever the next planner is, they can just slide in and get it done. She will let the Board know when they are going to start having workshops, and also thinks it may be good to possibly appoint a selectmen as a liaison.

- F. Vote to appoint Town Engineer as the replacement to the DHY Clean Waters Community Partnership replacing former Town Administrator

Mr. MacAskill moved to appoint Griffin Ryder, Town Engineer, as the replacement to the DHY Clean Waters Community Partnership replacing former Town Administrator, Christopher Clarke. Seconded by Mr. McManus.

Mr. Ballantine asked that they keep Mr. Dan Pelletier in the know and thinks they will continue a very strong presence.

All in favor, motion carried by unanimous vote.

- G. Discussion and possible vote - Board of Selectmen hereby delegates the duties to administer, implement and enforce the Town of Harwich Comprehensive Stormwater and Illicit Discharge Regulations to the Harwich Town Engineer

Mr. Griffin Ryder, Town Engineer, said that they may remember that last year in September and October, there were Comprehensive Stormwater and Illicit Discharge Regulations that were put into effect. Since then, part of the MS-4 (Municipal Sewer Separation Program), which is a 5-year permit term, and as part of these regulations, basically implemented the Selectmen as the Town of Harwich Stormwater Authority. As the authority, they have the ability to appoint the duties of the authority and adhering to the regulations to a staff member. He is bringing this up now, because they just had their first application come in that triggers this requirement. There is an application that came up in East Harwich, for a subdivision that disturbs greater than one acre of land, which is the threshold for triggering this. They will need to have a public hearing and go through the process to review the information submitted and hopefully approve the plans and information as it comes in. Mr. Ryder would like to request that the designation goes to him, so that he can review

this, and work with the Planning Board to see how to roll this into a public hearing.

Mr. Powers completely recommends what Mr. Ryder is requesting.

Mr. MacAskill moved to delegate the duties to administer, implement and enforce the Town of Harwich Comprehensive Stormwater and Illicit Discharge Regulations to the Harwich Town Engineer, Griffin Ryder. Seconded by Mr. McManus.

Ms. Greenhalgh said that she is glad they are moving forward with this. They have been speaking a lot about it, and they are going to be making changes to the subdivision rules and regulations. They would like to make it part of their process to hold joint hearings so that the applicants do not have to go through multiple departments.

Mr. Ballantine asked where they are with the MS-4 list of items that they needed to do and if they are up to speed on it. Mr. Ryder said that they are close. Since he came on board, he has dug in to what they have said they would do, and what they need to do, and he will be meeting with them in the near future. They are getting in front of it and are in good standings.

All in favor, motion carried by unanimous vote.

#### H. Discussion and possible vote - potential legislation for hardship tax exemption process

Mr. Ballantine called upon Mr. Richard Waystack to present and explained that he brought this topic to their attention last week and thanked him for doing this on such short notice.

Mr. Waystack said that they have some wonderful programs available for those that are seniors, veterans, those with sight impairments, and a number of exemptions and tax credits available. But there is very little for anyone under the age of 65. There is only one thing that is available, and that is a temporary hardship which is a tax deferral. That means that they can set aside their taxes for a period of time. It is a deferral for three years, a lien is put upon the property and it has an 8% simple interest rate. It is not compounded and they have five years to pay it back.

He included in their handout the 2019 income for the affordable limits. The 80%, for a single person, which would be considered affordable is \$51,250. That is what is meant by low income. Median low income is approximately \$32,000 and very low income is \$19,000. They are not ready for a vote tonight, but what they are looking for is some guidance from the Board of Selectmen.

Mr. Waystack said that they would like to look at a program that uses a tax credit as opposed to a deferral. He said that there are a number of reasons to do so. If affordable housing is built in the community, using the same income limits for affordable, the values automatically are reduced by 50%. So, the taxes on any of those in town, would be cut in half. By keeping people in their homes, paying full taxes, but allowing a credit of a various amount, the town is still getting a greater value. He would like their blessing to move forward to put together a program, that they would ask the Board of Selectmen and Town Meeting to allow them to file legislation, as a home rule petition to create a hard ship tax credit for the Town of Harwich.

He continued that the Town is pricing out some of their younger people that can no longer afford to live here. He has already challenged staff to look at what they could potentially do to create this for the community. He is proud of the Board of Assessors, who want to be proactive and address the needs of our residents and tax payers under the age of 65.

Mr. McManus asked what the difference is between an exemption and a tax credit. Mr. Waystack said that in essence it is very similar, both offer an amount off of their taxes.

Mr. MacAskill said that he supports it. He also asked how many seniors take advantage of it. Mr. Waystack said, please don't quote him, but he believes it is around the 250 range. Mr. MacAskill also asked what other communities on the Cape are doing what he is trying to do? Mr. Waystack said none, that they are starting this. No one is doing an absolute tax credit. Mr. MacAskill said he supports it 100%.

Mr. Sandy McLardy, East Harwich resident, asked Mr. Waystack if he could clarify the affordable housing 50% reduction in taxes, asking if that is in contrast to this proposal. Also, he would like to comment on if there is a concern with incentivizing the hardship, which may cause people to take advantage of the situation to try and qualify.

Mr. Waystack said it is an excellent question. People should not be double dipping. If something is classified as an affordable home, it comes with a deed rider which states that the property must maintain its affordability in perpetuity. So, if someone bought a home at \$200,000 and it increased in value to \$400,000, in an affordable home the owners cannot pick up the equity. Their value would be restricted. The criteria would be for those that own a home and they must be domiciled in the community for 10 years. They would have some broad criteria discretion for what is appropriate, as they currently do for the other exemptions.

Mr. Ballantine asked about the current wastewater project- for those that it is mandatory to hook up he asked if there is any way to qualify for help to pay for the hook up.

Mr. Waystack said that is a great question and people are going to be hurting and right now they have an open canvas.

Mr. Ballantine said that as the Board, they are all interested for them to move ahead.

I. Town Administrator Search Process; Search Firms, Salary Requirements, Other Towns Experiences

Mr. Ballantine said that with Mr. Ford and Mr. Howell absent, they will hold this till next week.

## CONTRACTS

A. Possible vote - Weston & Sampson DHY Peer Review Engineering Services

Mr. Powers said that they were hoping to have materials to the Board this evening for the Weston & Sampson DHY Peer Review Engineering Services. As they may recall several weeks ago, it had been on the agenda but council review of it indicated it was an improper form. They have been working to correct it, and they had further reviews today and hope to be able to present it to the Board next week.

Mr. MacAskill asked if this is holding up the other towns. Mr. Ballantine said that it is, and he is disappointed it was not ready yet. Mr. Powers said that the

holdup was due to additional language changes, that he was not sure the town could accept. Council went over those and he feels confident it will be ready this week. Mr. MacAskill asked if the changes have come after the other towns have voted. Mr. Powers said no, that the other towns have not voted yet. The towns have committed to their obligations of the \$6,000 each. That was one of the concerns that council had, and he has been in communication with the other towns.

## **TOWN ADMINISTRATOR'S REPORTS**

### **A. Budget/Warrant Timeline FY2021**

Mr. Powers said that they have in their packet the budget/warrant timeline for FY2021. He also handed out an update with a list of all of the department budgets that have occurred, or are scheduled to occur. He wanted to alert the Board of a potential deliverable this evening, regarding the seven year capital outlay plan, with a joint meeting of the Board of Selectmen and Finance. However, he and the Finance Director had a meeting with the departments last week and they were made aware of additional capital items that were not presently in the capital plan, where there was an expectation that they would be. They are trying to circle back on that, and they wanted take one more look at that in the plan before they handed it off.

Mr. Ballantine asked on the capital items, if the items are clarifying place holders or new items. Mr. Powers said that from speaking with Department Heads, they are items that were included, but it is hard to recreate things, so that is why they are looking to speak with Capital Outlay. Mr. Ballantine said that will be a good discussion, because they have tried to clarify the capital plan.

Mr. MacAskill also asked for a summary list of what they are and what year they are going in.

Mr. Powers added that they have done 13 out of the 25 department budgets. The whole process should be completed by December 17<sup>th</sup>. Then the Finance Director and himself will be circling back, and developing the budget message, and trying to evaluate a first pass of where they are at with the sense of the budget.

Mr. Powers also wanted to advise the Board of where they are at with staffing levels in the Administration department. He said there are some staffing needs that he sees that are needed to successfully get the town through with personnel and procurement, as well as, standard duties and building for Town Meeting.

Mr. Ballantine said that he asked Mr. Powers to put this on, because he would like to add an agenda item for next week to vote on additional support for the Town Administrators office.

### **SELECTMEN'S REPORT**

Mr. McManus reported that this Friday is the monthly meeting of the Cape Cod Selectmen and Councilors Association. The subject is the growing problems that they are having finding places to put their garbage, finding a reasonable place for solid waste and what it will look like in the future. A number of towns will have their Public Works Director or Transfer Station Director attending the meeting. He reached out to Mr. Lincoln Hooper, DPW Director, to invite him. Mr. Hooper is not able to attend, but will have a representative attend.

Mr. Ballantine said he just wanted to thank Ms. Williams on the Christmas in Harwich events. He said that it was well attended.

### **ADJOURNMENT**

Mr. MacAskill moved that they adjourn at 7:40 pm. Seconded by Mr. McManus All in favor, motion carried by unanimous vote.

Respectfully submitted,

Lisa Schwab  
Administrative Assistant