

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
TUESDAY, APRIL 22, 2014
7:00 P.M.**

APPROVED

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

OTHERS PRESENT: Town Administrator Christopher Clark, John Rendon, Skip Patterson, Jon Idman, Richard Larios, Leo Cakounes, Jeremy Gingras, Michael Ford, Dana DeCosta, Bill Crowell, Lou Urbano, Anne Stewart, Richard Waystack, Judith Underwood, and others.

MEETING CALLED TO ORDER at 7:00 p.m. by Chairman LaMantia.

CONSENT AGENDA

- A. Vote to approve application for new Common Victualler License for WFS Restaurant Group, Inc. d/b/a L'alouette
- B. Vote to confirm appointment of new Office Assistant for the Harwich Community Center effective April 28, 2014 (Samantha Estabrook)
- C. Confirm the appointment of Assistant Town Accountant (Diane Shaughnessy) effective April 23, 2014

Mr. Hughes moved approval of the Consent Agenda. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

PUBLIC HEARINGS/PRESENTATIONS (*Not earlier than 7:00 P.M.*)

- A. Joint Meeting of Finance Committee and Board of Selectmen – *discussion of Warrant Articles including:*
 - 1. #5 – Town Operating Budget
 - 2. #6 – MRSD Budget
 - 3. #25 – Promote the Town of Harwich
 - 4. #35 – Channel Dredging
 - 5. #40 – Departmental Revolving Funds

There was general discussion of the articles. No action was taken.

- B. Public Hearing - Application for Pledge and Transfer of Liquor License held by Dindu, Inc. d/b/a L'Alouette to WFS Restaurant Group, Inc.

Mr. Hughes read the hearing notice into record. Attorney Crowell, representing WFS Restaurant Group Inc., introduced the corporation's principals Christian and Walter Schultz, and provided abutter notification documentation to the Board. No one from the public appeared before the Board. Mr. McManus moved to approve the transfer of ownership for the license now held by Dindu, Inc. d/b/a L'Alouette, Alan Champney, Manager to WFS Restaurant Group, Inc. d/b/a L'Alouette, Christian Schultz, Manager. Mr. Ballantine seconded the motion. Chairman LaMantia closed the public hearing. The motion carried by a unanimous vote. Mr. McManus

moved to approve the pledge of a liquor license by the new owners to Bank of Cape Cod and the Small Business Administration. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

OLD BUSINESS

A. Article Review – *discussion and possible vote*

1. #59 – Correct Order of Taking – Bank Street Beach

The Board agreed to hold this item until next week.

2. #60 – Downey Property

Mr. McManus moved to go on record as supporting the position of accept and adopt on Article 60 in the amount of \$825,000 as a debt exclusion subject to a ballot question. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

3. #61 – Sale or Lease of Harwich Middle School

Mr. McManus suggested taking this matter up under New Business and the Board agreed.

B. Review of VHB letters – *possible vote on next steps*

Mr. Hughes stated that the proposed letter is lacking in detail and substance and requested that the Board allow him to work with the Town Administrator on this. Mr. Ballantine moved Mr. Hughes' request. Ms. Cebula seconded the motion and the motion carried by a unanimous vote. The Board took comments from Anne Stewart and Lou Urbano.

NEW BUSINESS

A. Sale or Lease of the Harwich Middle School / Review of Proposal – *discussion and possible vote*

Mr. McManus stated that Town Counsel has indicated that as an abutter, his participation in this matter is a conflict of interest and he departed the meeting. Mr. Clark reported that the Town Moderator spoke at a meeting of the evaluation committee as a private citizen and has indicated he will step aside in his official duties as Town Moderator on any discussions on this matter. Mr. Clark further reported that there is an abutter on the Middle School Repurpose Committee and Town Counsel has stated that there is case law that abutters have a financial interest and there is a mechanism for that person to approach the Board of Selectmen as appointing authority and make a full disclosure of such financial interest. He stated that we need to inform the committee of that. He questioned if the Board would like the evaluation committee to formally submit the scoring information on the proposal and noted that it would be an opportunity for the abutter to correct the process. Mr. Clark outlined options including allowing staff to work with the submitted proposal for affordable housing and give staff time to work out details of a Purchase and Sale Agreement such as density and family housing versus senior housing. He further stated that he could make an effort to meet with the proposer and try to do a letter of intent which we

could attempt to have for Town Meeting. Mr. Hughes stated that there is not enough time before Town Meeting and he recommended they indefinitely postpone this to allow time to get the questions answered. Ms. Cebula stressed that it needs to be addressed immediately after Town Meeting. Chairman LaMantia said we should at least check with the proposer now to see if he is amenable to changes. Mr. Clark stated there is a tentative phone call set up for Thursday and he will be looking for initial feedback. He asked for the Board's preferences. Chairman LaMantia said the road configuration is not appropriate. The Board heard comments from Leo Cakounes regarding violations of procurement law and lack of consideration for other options. Mr. Ford, speaking as a citizen, said he anticipates stepping down on this article at Town Meeting. He stated that he sent a letter to the Committee and copied it to the Board detailing his concerns about traffic, use, open space, housing, the process and financing of the project. He suggested a third option to turn this proposal down. Mr. Ford stated that the requirement in the RFP to consider and comment on the impact on the Elementary School and neighboring areas was ignored. Mr. Ford pointed out that there will be no access to the ball field and there is potential for 56 families with no playground and this will put stress on our school facilities as well as police and fire services. He added that there has never been sufficient parking at the Elementary School. Mr. Ford stressed that we need to evaluate the real cost of this project and demolishing the property and that keeping the property should be considered. Donna Tavano agreed with Mr. Ford's remarks. The Board heard comments from Ginny Hewitt who disagreed with Mr. Ford and stated that there is a large need for affordable housing in all age groups. Mr. Waystack stated that the timeline is too tight for this Town Meeting and recommended indefinite postponement. He stated that the committee should be expanded and that people are needed from across the community. Mr. Hughes moved to indefinitely postpone this article. Mr. Ballantine seconded the motion and stated that we need to continue discussion with Stratford and expand the committee. Committee member Judith Underwood said that in her interview it was made clear that she was an abutter and had children in the school system but would recuse herself if the Board wanted. Mr. Waystack stated that Ms. Underwood is an integral part of the committee and should stay on. Ms. Cebula stated that there is a process and Ms. Underwood would have to apply. Ms. Cebula seconded Mr. Ballantine's second. The Board took comments from Sharon Stout, Greg Winston and Steven Duffy. The motion carried by a unanimous vote.

TOWN ADMINISTRATOR'S REPORT

Mr. Clark reported that we received a letter from CVEC indicating that Nstar's delivery of the benefits from the solar field may be delayed but they are retroactive. Mr. McManus indicated that Mr. Clark should follow up to find out what the economic impact will be for next fiscal year. Ms. Cebula requested that Mr. Clark ask Nstar to define exactly what this means.

ADJOURNMENT

Mr. Ballantine moved to adjourn at 10:00 p.m. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary