

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, APRIL 30, 2018
6:30 P.M.**

APPROVED

SELECTMEN PRESENT: Ballantine, Brown, Howell, Kavanagh, MacAskill

OTHERS PRESENT: Town Administrator Christopher Clark, Interim Assistant Town Administrator Bob Lawton, Chief Clarke, Deputy Chief David LeBlanc, Supt. Scott Carpenter, Angelo LaMantia, Jack Brown, Ed McManus, Richard Waystack, Cyndi Williams, Steven Scannell, and others.

WEEKLY BRIEFING

No one appeared before the Board.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Ms. Williams discussed upcoming Chamber of Commerce events. Mr. Cakounes said he would be at the Community Center tomorrow between 6:30 and 8:00 p.m. to help people work through Town Meeting protocol. Mr. McManus said he would be asking the Finance Committee to change its position on the pet crematory article to support indefinite postponement.

CONSENT AGENDA

- A. Approve Minutes — April 9, 2018 Regular Session
- B. Accept gift of anchor from Skipper Lee to the Harbormaster's Department
- C. Approve Award of Contract for the Fire Station #1 Roof Replacement to Cape Cod Builders in the amount of \$58,900
- D. Accept gift of ornamental tree and plaque for Community Center in honor of Cape Community Orchestra Conductor John Hagon
- E. Approve extension of Employment Agreement with Interim Assistant Town Administrator

Mr. Ballantine moved approval of the Consent Agenda. Ms. Brown seconded the motion. Mr. Howell commented that we are doing way too much business of substance in the Consent Agenda and in general he would like the opportunity to delve into some items such as contracts. The motion carried by a 4-1-0 vote with Mr. Howell in opposition.

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

- A. Presentation by Architect on Fire Station 2 — *Todd Costa, Kaestle Boos*

Chief Clarke introduced Architect Todd Costa of Kaestle Boos and provided an overview of the history of the project from the time it originally got on the Capital Plan, including the work of the committee. Mr. Costa provided a rundown of the bid process. He reported that we received 4 bids and the low bidder is Mill City Construction, all of their paperwork is in order and right now they are reviewing it and checking references. He noted that the bids were very competitive with each other. He said there is some volatility relative to the discussion of tariffs and they have seen an 8.6% increase

over the last estimate they presented last year. He recommended that the Board not consider alternate #3, heating system for the apparatus bay. He provided the attached presentation to the Board of bid results including base bid and alternates. He recommended that the Board proceed with the base bid figure which is \$6.75 million. Mr. Howell said he would support the full number. Ms. Brown asked questions about the sidewalk. Ms. Kavanagh said it was really a great design and asked questions about fiber optic lines. Mr. Ballantine said the fiber optic is there, we would have to tie into it and pay for it. Mr. Costa said there are spare conduits that run into the building. Chairman MacAskill said we should explore doing that when we are doing the wastewater project. He said he is all for the base bid and thanked the committee, Fire Chief and his staff.

Mr. Howell moved to support going into Town Meeting, bid results for the base bid at \$6,750,000. Ms. Brown seconded the motion and the motion carried by a unanimous vote.

NEW BUSINESS

A. Discussion on bathroom and storage facility at High School field

Chairman MacAskill said they received a request from resident John Malone on this. Mr. Malone provided history on the proposed High School facility noting that the bathroom facility was “dubbed the third of a million dollar hot dog stand” because the concession was attached to it, and that was an error and it is a completely separate entity. He said this bathroom facility is mandated by the State building requirements due to the seating capacity of our bleachers and proximity to the playing surface. He asked the public to come out and vote for this, noting that the concession stand was already built through donations of labor, materials and money. He said there has been suggestion that Booster Club could pay for it and he described what that money is used for including scholarships. He asked the voters to help this project be funded.

B. Request to waive use fee for courtyard space at Cultural Center for concert series

Ms. Carey outlined the request and said the Cranberry Festival has proposed doing a concert series on seven Thursday nights during the summer. She said they are trying to get the Cultural Center more visible and this is one night they didn't have anything. She said they considered the enormous costs for this which would include Fire detail and custodial costs and thought we could waive the fee to see if this is viable and if the public wants it. She noted that the Cranberry Festival also has to pay for the performers as well and they have been a champion for the building in trying to get more people there. She took questions from the Board about seating, use of auditorium during rain events, food, and offsetting costs for fee waiver. Mr. Weiser said they will probably be back with a proposal to sell beverages. Mr. Cakounes cautioned the Board that the agenda just says to waive the fees and said it will be a surprise to the neighbors that the Town will be holding concerts which may include beer and bands and they should be ready for a firestorm from the public. He said they should look at parking and the hours of entertainment and it needs more discussion. Mr. Weiser responded that the concerts will be 8:30 p.m. in the courtyard and they ran a test of the sound equipment and you can't hear a thing outside in the neighborhood. Chairman MacAskill said the request is for 6:30 p.m. to 8:30 p.m. and there is no request for food or beer. He said if they are going to get an entertainment license they will be back and that will prompt a public hearing. Mr. Howell said the request is solely to reduce the fee for use of the property. He said it does a lot of good for the Town and if we need to see money back that we're missing the point of the money they are contributing in. Mr. Howell moved to waive the fee. Ms. Kavanagh seconded the motion and the motion carried by a unanimous vote.

C. Town Administrator performance evaluation process / self-evaluation

Chairman MacAskill said he would like the Board to complete the performance evaluation forms and submit by next week. He said he would prefer to do this the week after Town Meeting. Mr. Howell asked if the public is going to be able to see not only the composite but also the individual ratings of the Board and Chairman MacAskill responded yes. Mr. Clark reviewed his self-evaluation for FY18.

OLD BUSINESS

A. Additional information to approve title change in Personnel By-Law Compensation/Classification plan; proposed salary adjustments and job descriptions for Assistant Town Clerk, Assistant to the Finance Director, and Executive Assistants positions in Town Clerk and Finance Departments

Mr. Lawton noted that he had completed the desk audits as requested, reviewed the proposed changes with HEA, and provided the requested organization chart. He reviewed the costs for the proposal and reviewed the recommendation (see attached) and also noted that the Board had requested a title change for the Administrative Secretary in the Administration Office and that change has been created. Mr. Ballantine said he would like to see a packet of the organizational chart and the position descriptions that fulfill that chart so we have an understanding how it all fits together. He asked that this information be placed in the Board's dropbox. Mr. Howell moved that the Board of Selectmen vote to approve the proposed classification changes as shown on the table labeled "Proposed Staff Changes April 25, 2018." Ms. Kavanagh seconded the motion and the motion carried by a unanimous vote.

B. Current septic system plan for Saquatucket Harbor

Mr. Clark outlined the change order (see attached). He said it gives us a system that either way, whether the snack shack is approved or not, we can build off of. Mr. Howell said we will know whether or not Town Meeting wants to build the whole project by next week and he doesn't want to delete a bathroom now if we don't have to. Ms. Kavanagh agreed and said this achieves being fiscally responsible. Mr. Clark said if Town Meeting approves this, there will be 3 change orders before the Board, one for the snack shack, one for the expansion of the septic system, and the third would be for DPW to install the parking lot at the old Downey property. Mr. Cafarelli said we have two basic plans for the septic, one with the snack shack and one without, and the FAST 4.5 system is adequate for either with or without the snack shack. He said the grease trap isn't part of this quote and will go behind the snack shack and there are 2 separate tanks sized for the snack shack. He said if they don't vote for the snack shack the larger tanks are still good and make for a better septic system. He added that there is a benefit for the larger tanks even if they don't vote the snack shack. Chairman MacAskill asked Ms. Eldredge if we could get a Certificate of Occupancy without a bathroom and septic system and Ms. Eldredge responded that the Health Department doesn't issue Certificates of Occupancy and they don't require a bathroom. Chairman MacAskill then asked Mr. Clark the same question and questioned if we would build a maintenance building without a bathroom when we have an employee in there. Mr. Clark said it is possible but it is our intent to continue to build that and to have that provision so we can build it. He said they believe we can have DPW build it to be more cost effective and we are working with the designer to see what our options are. Chairman MacAskill said he doesn't see why we are buying additional tanks and thinking it's going to pass and where are we going to find the money to come back. Mr. Clark said the additional \$70,000 is to build the septic field large enough to accommodate both areas if Town Meeting votes it. He said we will have to see if there is

money available to get the septic system into the garage area and we are still in discussions with DPW. Mr. Cafarelli said another option is a 4 foot manhole with a grinder pump so you don't need the pump chamber and septic tank. He discussed other options which would likely come under the \$16,000 we still have available. He said legally we don't need a restroom. He stated that we can come up with another way or have DPW help out to decrease the cost. Mr. Ballantine asked what the sources of funds would be if we go above and Mr. Clark said it would most likely be a reserve fund transfer.

C. Pet burial ground funding

Mr. Clark said that questions have been raised about the construction of the pet burial ground. He explained that a Town Meeting action last year called for the development of a pet cemetery on Queen Anne Road, specifically to reallocate the property from the Board of Selectmen to the Cemetery Commission and it was clear that the intent of the Cemetery Commission was to build a pet burial ground primarily and secondarily they would be back to build a crematorium. He reported that the Cemetery Director commenced that work mostly with assistance from DPW and there was use of Cemetery revolving funds. He explained that when the primary contract for the cement walkway was awarded and came in at \$60,000, we broke it up into different pieces and a bid of over \$40,000 was awarded and it came within the \$70,000 which was part of the revolving account. He said that Town Counsel has determined that when you have a Cemetery revolving account, that revenue should be for people and not for pets and he raised concern that we spent money from the human account for pets and that was inappropriate. He said now that we have been advised of that we will put together a plan to address the shortfall as part of the overall budget review at the end of the fiscal year. Mr. Ballantine questioned the plan moving forward and Mr. Clark responded that we could start to sell lots and build up the account. He said Town Counsel has recommended creating a revolving fund for pet related activity and we could do that at next year's Town Meeting. Ms. Brown read Article 51 of the 2010 Town Meeting which created the revolving fund noting that it indicates it is for maintenance, care and support of Town cemetery properties. Mr. Clark said we can provide that to Town Counsel. Ms. Kavanagh pointed to the opinion noting that it states that MGL defines cemeteries as being for deceased persons and our by-laws can't supersede MGL.

Mr. Howell stressed that this is a capital project and was never on the capital plan. He said we transferred land over for the purpose of using it in the future for a pet cemetery and there was no mechanism for appropriation for that. He said the revolving fund requests from 2016 have gone from \$50,000 to \$75,000 to \$100,000, apparently to fuel this. He said there is a Freedom of Information Act request and we haven't been forthcoming. He reported that private companies have been contracted to do certain things out there and that the sidewalk is a split procurement. He pointed out that the Town Meeting article was for repair and maintenance and never said to build anything, and the funds were being used without them knowing. He questioned where the business plan is and noted that the Board has never discussed the operation of this. He pointed out that the Board was continually reminded it was a burial ground not a cemetery and there was an awareness that this didn't qualify as a cemetery. He stressed that he wouldn't support a transfer for even a penny until we do an examination of this. Mr. Howell moved that we not spend a penny more on that cemetery until we do that examination about what's going on. Mr. Ballantine seconded the motion. Mr. Clark said he has been advised by Town Counsel that we did enter into a contract to do the cement work. Mr. Howell asked with what funding source. Mr. Ballantine offered an amendment to complete our contract with no additional work. Chairman MacAskill seconded the amendment. Mr. Howell emphasized that the contract was entered into with funds which don't exist and if he had known that this was the source of funding, he wouldn't have voted for it. He said he was led to believe there was money available as was the Finance Director but there is no money behind that contract. The amendment to the motion carried by

a 4-1-0 voted with Mr. Howell in opposition. The main motion, as amended, carried by a unanimous vote. Chairman MacAskill said Ms. Kelley has done a lot of work and people at Town Meeting voted for a pet burial ground. He said the funding source was a mistake and it's being addressed by the Town Administrator. He commented that Ms. Kelley didn't set out to make a bad decision or hide anything and neither did Mr. Clark and we are dealing with it.

D. Town Meeting articles — open discussion

Ms. Kavanagh said she hopes people understand the importance of creating the Housing Trust to move forward with affordable and workplace housing. Ms. Brown questioned how we can bring forward the pet crematory if we are ceasing spending on the pet cemetery. Mr. Clark responded that Town Counsel has advised that the funding would be segmented off in the General Fund as a fee which would be used to fund that debt service. Mr. Howell encouraged support of Fire Station 2. The Board took questions from Steve Scannell regarding the proposed snack shack at Saquatucket and Nancy Scott of the School Committee regarding the regional agreement amendment which she noted did not get on warrant in Chatham. Mr. Clark said he was aware of it and suggested that the Board change their vote to indefinitely postpone the article in pre-Town Meeting.

E. Discussion on articles pertaining to Phase 2 Wastewater

After comments from a citizen regarding suggestion of abatement related to justice and fairness in paying for the sewers, the Board discussed that everyone contributes to the nitrogen in our harbors so everyone should pay for that. Mr. Waystack pointed out that abatements are based on property values and they can only look at this if it impacts value.

TOWN ADMINISTRATOR'S REPORT

A. Rules of Operation on Board of Selectmen Re-Organization

Mr. Clark reminded the Board that their Rules of Operation call for them to reorganize two meetings after the election.

B. Term of interim use of former Middle School Building

Mr. Clark noted that the Board voted to extend the Cultural Center trial period at their last meeting by another 5 years, which would take it to seven years from June 30, 2016.

C. Update on Barnstable County IT services

Mr. Clark reported that he met with IT people from Barnstable County who indicated that our IT needs study would cost \$7,500 and we would engage that after July 1 if Town Meeting votes it.

D. Update on MRSD Regional Agreement

This item was addressed under Old Business, Item D.

E. Departmental Reports

This item was not addressed.

SELECTMEN'S REPORT

Mr. Howell discussed the contract termination language for the pet burial ground walkway. He noted that he was not part of the vote so he can't motion to reconsider it. Mr. Ballantine said he would rather not leave the place torn up in the meantime. Mr. Clark said we could legally terminate the contract but if a Town starts doing that, it creates a chill effect for other people wanting to do business with the Town. Mr. Ballantine moved to reconsider the Board's vote on finishing the work that's been started, that we are contractually obligated to perform at the pet burial ground. Mr. Clark said he would have a discussion with the contractor to see if we can part on amicable terms and have him minimally do elements of the contract and the Board was in agreement with that. The motion carried by a unanimous vote.

ADJOURNMENT

Ms. Brown moved to adjourn at 9:04 p.m. Ms. Kavanagh seconded the motion and the motion carried by a unanimous vote.

Submitted by,

Ann Steidel
Recording Secretary



Harwich Fire Station 2

April 30, 2018

Bid Results with Budget

Base Bid

Description	Subtotals	Total	Comments
Mill City Construction Bid	\$5,645,432		Bid value as received on April 26th.
Owner's Construction Contingency (5% of construction cost)	\$284,568		
Construction Cost Total:	\$5,930,000		
<u>Equipping Costs</u>			
Security & Access Control	\$100,000		Allowance based on estimated cost
Firematic Equipment	\$50,000		Allowance
Relocate & Expand Vehicle Exhaust System	\$55,000		Allowance based on reuse of existing equipment
Furniture & Furnishings	\$95,000		Allowance
Communications Equipment	\$50,000		Allowance owner to verify
Network & Computers	\$50,000		Allowance owner to verify
<u>Owner's Indirect Costs</u>			
Geotechnical Field Observation	\$11,000		Allowance
Arch.& Eng.Fees (Phase II)	\$214,240		Balance of design team fee not including phase I
Clerk of the Works	\$90,000		Hired by town for field observation
Hazardous Material Monitoring	\$4,100		Allowance based on report
Utility Backcharge	\$25,000		Allowance
Moving	\$25,000		Allowance
Bid Doc Reproduction / Miscellaneous	\$5,000		Assume OnLine Service
Legal/Advertising	\$5,000		Allowance
Material Testing	\$25,000		Allowance
Indirect Project Costs (Fees, F&E, Bidding, Testing,etc.)	\$804,340		
Owner's Contingency (2% of all costs)	\$15,660		
Subtotal Indirect Costs:	\$820,000		
Total Project Cost:	\$6,750,000		



Harwich Fire Station 2

April 30, 2018

Bid Results with Budget

Alternates 1 & 2

Description	Subtotals	Total	Comments
Mill City Construction Bid	\$5,623,483		Bid value as received on April 26th.
Owner's Construction Contingency (5% of construction cost)	\$286,517		
Construction Cost Total:	\$5,910,000		
<u>Equiping Costs</u>			
Security & Access Control	\$100,000		Allowance based on estimated cost
Firematic Equipment	\$50,000		Allowance
Relocate & Expand Vehicle Exhaust System	\$55,000		Allowance based on reuse of existing equipment
Furniture & Furnishings	\$95,000		Allowance
Communications Equipment	\$50,000		Allowance owner to verify
Network & Computers	\$50,000		Allowance owner to verify
<u>Owner's Indirect Costs</u>			
Geotechnical Field Observation	\$11,000		Allowance
Arch.& Eng.Fees (Phase II)	\$214,240		Balance of design team fee not including phase I
Clerk of the Works	\$90,000		Hired by town for field observation
Hazardous Material Monitoring	\$4,100		Allowance based on report
Utility Backcharge	\$25,000		Allowance
Moving	\$25,000		Allowance
Bid Doc Reproduction / Miscellaneous	\$5,000		Assume OnLine Service
Legal/Advertising	\$5,000		Allowance
Material Testing	\$25,000		Allowance
Indirect Project Costs (Fees, F&E, Bidding, Testing,etc.)	\$804,340		
Owner's Contingency (2% of all costs)	\$15,660		
Subtotal Indirect Costs:	\$820,000		
Total Project Cost:	\$6,730,000		



Harwich Fire Station 2

April 30, 2018

Bid Results with Budget

Alternates 1 - 3

Description	Subtotals	Total	Comments
Mill City Construction Bid	\$5,602,083		Bid value as received on April 26th.
Owner's Construction Contingency (5% of construction cost)	\$287,917		
Construction Cost Total:	\$5,890,000		
<u>Equiping Costs</u>			
Security & Access Control	\$100,000		Allowance based on estimated cost
Firematic Equipment	\$50,000		Allowance
Relocate & Expand Vehicle Exhaust System	\$55,000		Allowance based on reuse of existing equipment
Furniture & Furnishings	\$95,000		Allowance
Communications Equipment	\$50,000		Allowance owner to verify
Network & Computers	\$50,000		Allowance owner to verify
<u>Owner's Indirect Costs</u>			
Geotechnical Field Observation	\$11,000		Allowance
Arch.& Eng.Fees (Phase II)	\$214,240		Balance of design team fee not including phase I
Clerk of the Works	\$90,000		Hired by town for field observation
Hazardous Material Monitoring	\$4,100		Allowance based on report
Utility Backcharge	\$25,000		Allowance
Moving	\$25,000		Allowance
Bid Doc Reproduction / Miscellaneous	\$5,000		Assume OnLine Service
Legal/Advertising	\$5,000		Allowance
Material Testing	\$25,000		Allowance
Indirect Project Costs (Fees, F&E, Bidding, Testing,etc.)	\$804,340		
Owner's Contingency (2% of all costs)	\$15,660		
Subtotal Indirect Costs:	\$820,000		
Total Project Cost:	\$6,710,000		

OFFICE OF THE TOWN ADMINISTRATOR

Robert C. Lawton, Jr.
Interim Assistant Town Administrator

Phone (508) 430-7513


Fax (508) 432-5039

732 MAIN STREET, HARWICH
02645



MEMO

TO: Board of Selectmen

FROM: Robert C. Lawton, Jr.
Interim Assistant Town Administrator 

RE: Additional Information – Reclassification Finance-Clerk

CC: Chris Clark
Town Administrator

DATE: April 25, 2018

As requested by the Board of Selectmen, I am providing the following additional information to you regarding the two positions in the Town Clerk's office and one position in the Treasurer/Collector department and one position in the Finance Department:

1. A desk audit was accomplished on one position in the Treasurer/Collector Department and one position in the Town Clerk's office. The desk audit confirmed that the new job descriptions included the new duties and responsibilities of the positions.
2. I met with the HEA bargaining unit on Wednesday March 28, 2018 and they have confirmed the new proposed classifications for the four positions.
3. I have attached organization charts for the reclassified positions.

RCL

PROPOSED STAFF CHANGES April 25, 2018

Position	Current Grade	Salary Range	Proposed Grade	Salary Range
Administrative Secretary	Title Change to		Executive Assistant to the Town Administrator	
No change in step or grade				
Executive Assistant Treasurer/Collector	5	21.39 – 26.66	7	23.57 – 29.37
Assistant to Finance Director	5	21.39 – 26.66	8	24.79 – 30.89
Executive Assistant Town Clerk	5	20.37 – 25.39	7	23.57 – 29.37
Assistant Town Clerk	8	22.44 – 27.99	9	25.99 – 32.39

Previously Approved by Board of Selectmen

Previous - Admin Assistant	5	21.39 – 26.66		
New – Executive Assistant Health & Building (2)			7	23.57 – 29.37

Previous – Administrative Assistant 5

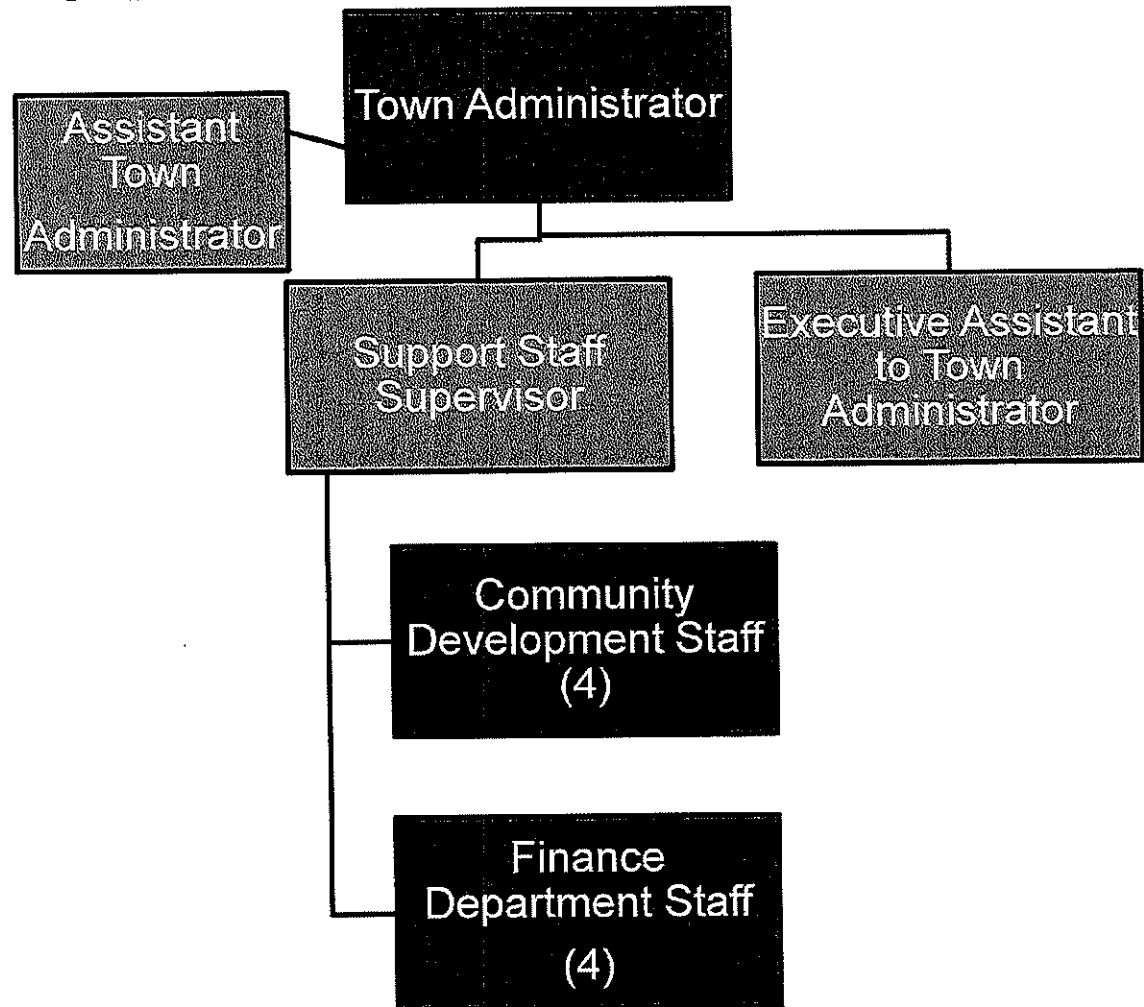
21.39 – 26.66

New – Executive Assistant

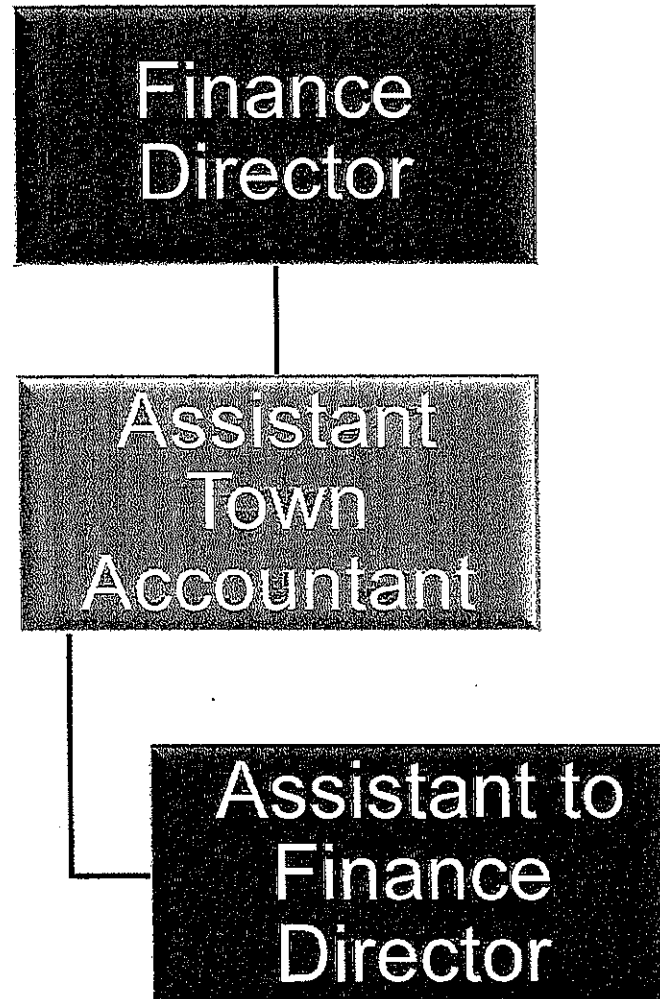
7

23.57 – 29.37

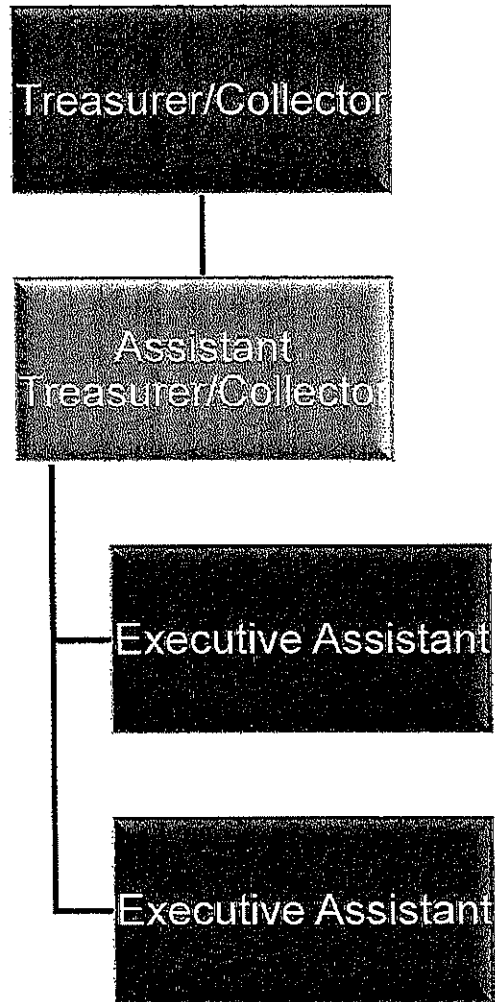
[Support Staff Supervisor]



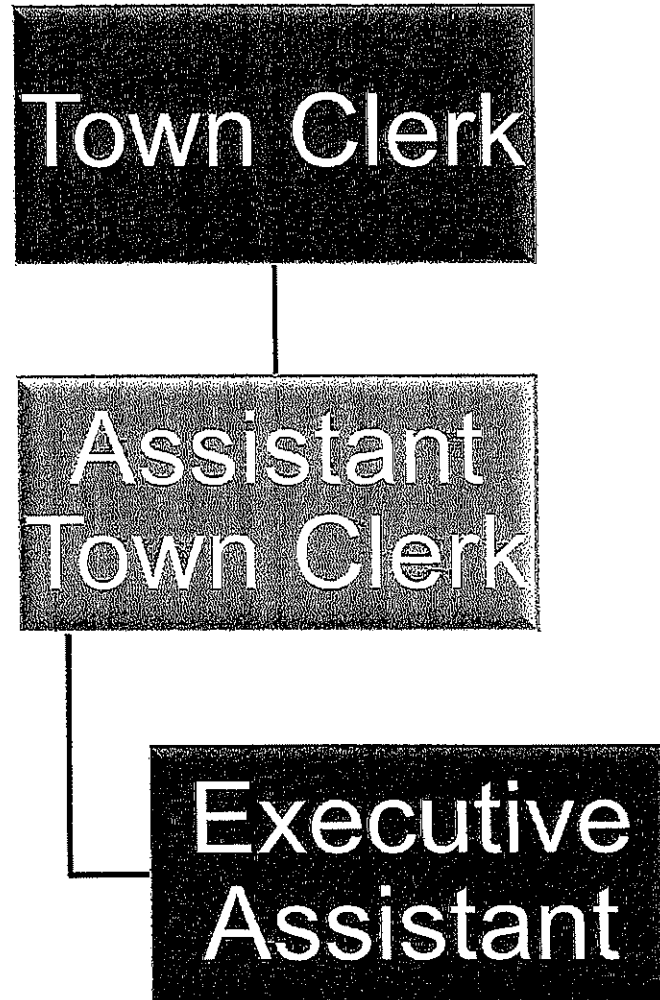
[Finance Department]



[Treasurer/Collector Department]



[Town Clerk Department]



TOWN OF HARWICH CHANGE ORDER

CHANGE ORDER NO. 1 DATE: 04/10/2018

CONTRACT TITLE: Saquatucket Harbor Septic System

CONTRACTOR'S NAME: CC Construction, Inc.

CONTRACTOR'S ADDRESS: 15 Diamonds Path, South Dennis, MA

INCREASE

	7000 GAL TANK TO 9000 GAL TANK	5000 GAL TANK TO 6000 GAL	5000 PC TO 6000 PC
PREVIOUS CONTRACT AMOUNT	\$ <u>19,750</u>	\$ <u>16,700</u>	\$ <u>11,500</u>
AMOUNT OF THIS ORDER	\$ <u>25,250</u>	\$ <u>22,200</u>	\$ <u>20,000</u>
INCREASED CONTRACT AMOUNT	\$ <u>5,500</u>	\$ <u>5,500</u>	\$ <u>8,500</u>

TOTAL CONTRACT INCREASE FOR CHANGE ORDER 1: \$19,500

DECREASE

Maintenance Garage septic tank, pump chamber, pump and force main are eliminated from this Contract. Bid price for this item: \$36,200

TOTAL CONTRACT DECREASE FOR CHANGE ORDER 1: \$36,200

ORIGINAL CONTRACT PRICE: \$239,000

REVISED CONTRACT PRICE AFTER CHANGE ORDER 1: \$222,300

Change Approved:

By: David A. Telah Date: APRIL 10TH, 2018
DAVID A. TELAH Contractor

Title: PROJECT MANAGER

TOWN OF HARWICH – TOWN ADMINISTRATOR

By: Christopher Clark Date: 4/10/18

Related Documents - April 30, 2018 BOS Meeting

- 01 Agenda.pdf
- 02 Minutes April 9, 2018.pdf
- 03 Gift of Anchor.pdf
- 04 Fire Station 1 Roof Contract.pdf
- 05 Gift of Tree to Comm Ctr.pdf
- 06 Interim TA Contract Extension.pdf
- 07 Bathroom & Storage Facility at HS.pdf
- 08 Fee Waiver Cultural Ctr Courtyard.pdf
- 09 T.A. Performance Evaluation.pdf
- 10 Personnel Items.pdf
- 11 Saquatucket Septic.pdf
- 12 Pet Burial Ground Funding.pdf
- 13 Article List.pdf
- 14 Rules of Operation Re-Org.pdf
- 15 Middle School Building Use Term.pdf
- 16 County IT Services.pdf
- 17 MRSD Agreement Amendment Clause.pdf
- 18 Department Reports.pdf