

APPROVED

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, APRIL 9, 2018
6:30 P.M.**

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

OTHERS PRESENT: Town Administrator Christopher Clark, Chief Clarke, Chief Guillemette, Carol Coppola, Charleen Greenhalgh, Amy Usowski, John Rendon, Robbin Kelley, Ed McManus, Tom Sherry, and others.

Chairman MacAskill reported that the Board had just come out of Executive Session where they voted the HEA contract pending the Union's signature.

WEEKLY BRIEFING

Ms. Kelley reported that there will be a Gravestone Preservation Workshop on April 24 at the South Harwich Meeting House from 8:30 am to 3:00 pm.

PUBLIC COMMENTS/ANNOUNCEMENTS

Ms. Williams reported on upcoming Chamber of Commerce events. Chairman MacAskill reported that the Board would not be meeting next week during school vacation week.

CONSENT AGENDA

- A. Approve Minutes – March 26, 2018 Regular Session
- B. Approve the waiver of the Building Permit Fee for the new Golf Cart Storage Building at Cranberry Valley Golf Course per the recommendation of the Building Commissioner
- C. Authorize the Chairman to sign the Certificate of Recognition to be presented to Post 911 Afghanistan and Iraq Veterans
- D. Approve application for a One Day Entertainment License with "Special Permit" for relief from the Town Noise By-Law (Section G) for an event to be held on June 30, 2018 by the Cakounes Family
- E. Approve 2018 renewal of Junk Dealer License for Windsong Antiques Inc.
- F. Approve application for Junk Dealer License for Wayne L. Marceline d/b/a Marceline Salvage
- G. Approve the recommendation of the DPW Director to award the FY19 contract for Gas/Diesel 19 to J.P. Noonan (Barnstable County Purchasing Bid)
- H. Approve and authorize the Chair to sign Sales Agreements for Surplus Beach Sand
- I. Approve Committee appointments recommended by the Interview/Nomination Subcommittee
 1. Mark Coleman – Conservation Commission as a full member
 2. James Donovan – Conservation Commission pending verification of full member vacancy

Chairman MacAskill said they would be taking up Item I separately. Mr. Ballantine moved approval of Items A through H on the Consent Agenda. Ms. Brown seconded the motion and the motion carried

by a unanimous vote. Mr. Howell moved to accept the resignation of John Rosetti effective immediately from the Conservation Commission. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote. Mr. Howell moved to accept the appointment of Mark Coleman to the Conservation Commission with an expiration date of 6/30/19 and James Donovan as a full member of the Conservation Commission with a term to end 6/30/18. Ms. Brown seconded the motion and the motion carried by a unanimous vote.

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

A. Discussion on Articles 34-37 relative to marijuana establishments/temporary moratorium/special permit use

Ms. Greenhalgh, Town Planner, provided the attached slide presentation clarifying the four articles being presented at Town Meeting. She took questions from the Board about the host agreement and took comments from Chief Clarke on research regarding effects of marijuana on adolescent brains. Chief Guillemette encouraged people to look at the reports coming out of Colorado and Washington and said it's very clear what the negative impacts are. He discussed the negative impacts on the youth of Harwich and on the community as a whole. Mr. Clark thanked the Board for supporting the department heads on this. The Board took comments from Mr. Sherry.

NEW BUSINESS

A. Financial Plan for the pet crematory – Carol Coppola/Robbin Kelley

Ms. Kelley described the proposed project plan and Ms. Coppola outlined the estimated costs and shared the cost modules. Ms. Coppola indicated that they are leaning toward a 20 year bond. She outlined the costs and debt payment and said we will be able to cover its costs in 2024. Ms. Kelley discussed estimated pricing. Ms. Kelley said she would be performing the work but if it gets busier they would need to hire another employee. They took questions from the Board on the maintenance component for equipment, costs, and end users including veterinarians and residents. Mr. Clark noted that Ms. Kelley's office would be relocated down there. He outlined the article and related ballot question noting that it is a debt exclusion. He recommended the 20 year bond based on the life cycle of the building and commented that the numbers being provided are very conservative. Chairman MacAskill asked what the proposal is for labor. Mr. Clark said it would not be his recommendation to hire someone else but rather to use the DPW employees who currently assist in burials and utilize some of the revenue to offset some of these labor costs. Ms. Kelley said when the equipment is delivered they will train up to 5 employees on the equipment and several DPW employees have expressed interest in being trained in this. The Board took comments from Mr. Gunderson who spoke against the project. He said the Town shouldn't be using taxpayer dollars to build and operate a business that competes with private enterprise as it is not an appropriate use of public funds.

OLD BUSINESS

A. Participation in pursuing opioid litigation

Chairman MacAskill said that Mr. Giorgio had provided an overview of this at a recent meeting at which time Ms. Brown and Mr. Ballantine were not present so the item was brought back to the Board. Mr. Ballantine said he reviewed the presentation and said it is not clear to him how this changes the outcome and he added that the responsibility lies with the distributors, doctors, hospitals, caregivers

and users. He had concerns about reimbursements in the case of a non-monetary settlement. He said going forward with this would contribute to health care costs. Ms. Brown said she watched the presentation as well and she commented that it was a good idea because we have nothing to lose and right now we're getting nothing. Mr. Howell said he shares Mr. Ballantine concerns and said it does make a comment about appropriation at Town Meeting after they promise that there would be no expense to us. He commented that it will make the lawyers rich but doubts it will give us much of anything. Ms. Kavanagh said that she sees this as an opportunity to send a message to the pharmaceutical companies and agreed with Ms. Brown that it is better than nothing. Chairman MacAskill said we have no idea what our damages are. He said he asked Mr. Giorgio why we are suing the companies rather than the doctors and Mr. Giorgio responded that the companies have the deepest pockets and part of our problem with society is suing people with the deepest pockets and hoping for a settlement. He questioned how we are going to find out what our costs are and the burden of proof is so high here and the lawyers are going to get the bulk of the money. Mr. Howell pointed out that you can't legally get opioids without a prescription so somebody else was in that process and we aren't suing them. He commented that it is hard to believe that we would come out of this with any sort of moral or monetary victory. Mr. Howell moved that we not enter into the lawsuit agreement. Mr. Ballantine seconded the motion but questioned if we need a positive motion and Chairman MacAskill agreed. Mr. Howell withdrew his motion and Mr. Ballantine withdrew his second. Mr. Clark encouraged the Board to take a vote for the record. Mr. Howell moved that we not participate in the lawsuit. Mr. Ballantine seconded the motion and the motion carried by a 3-2-0 vote with Ms. Brown and Ms. Kavanagh in opposition.

B. ATM Warrant – Assignment of Articles

Chairman MacAskill asked that the Board email him if they have particular articles of interest but beyond that he would be assigning articles.

TOWN ADMINISTRATOR'S REPORT

A. CDM Smith Wastewater Brochure

Mr. Clark reported that he and Mr. Ballantine attended a wastewater meeting on Saturday and brought back the materials that are in the Board's packets including the 4 page brochure. Mr. Ballantine moved that we approve the brochures so we can get those out and go from there. The motion wasn't seconded. Mr. Howell said it still does not address the questions of the homeowners. Mr. Ballantine said we will need to answer those questions before we get to Town Meeting. Chairman MacAskill said adding these diagrams certainly answers some of the questions that came to the Wastewater Support Committee. He recommended getting as much information as we can out there now. He said we aren't going to get to these questions right away. He asked Mr. Clark to find out what CDM Smith is charging us for this brochure by next meeting. He said a lot of the questions will be answered at the April 19th meeting. Mr. Ballantine moved to support the brochure and publish it. Ms. Brown seconded the motion and the motion carried by a 4-0-1 vote with Mr. Howell abstaining from the vote.

B. Wastewater Articles

Mr. Clark outlined the wastewater articles.

C. RFPs for Saquatucket Snack Shack and Bank Street Property

Mr. Clark stated that we have prepared the draft RFP on the Saquatucket snack shack. He added that when the new garage is finished he is hoping we can sell off the Harbormaster Building on Bank Street.

D. Departmental Reports

No action was taken on this item.

SELECTMEN'S REPORT

A. Letter from Senator Cyr honoring Mr. James Marceline

Ms. Brown read the March 12, 2018 Adjournment of the Massachusetts Senate in memory of Mr. James Marceline as follows:

Adjourn In Memory of James "Jimmy" Marceline

The Senator from Cape and Islands, Mr. Cyr, moves that when the Senate adjourns today, it adjourn in memory of James "Jimmy" Marceline of Harwich. James "Jimmy" Marceline of Harwich passed away on January 28, 2018 at the age of 92.

Born and raised in Harwich, Mr. Marceline was a decorated veteran of World War II who was held as a prisoner of war during his service in the U.S. Army. Like many of his generation, upon returning home, he got to work, married, and raised a family.

Mr. Marceline became one of Harwich's largest landowners, and he founded his own company, Marceline Salvage and Trucking. In 2005, Mr. Marceline was one of the first to be inducted into the Harwich High School Hall of Fame for his record as a strong supporter of the Harwich school system, role in opening the Cranberry Valley Golf Course, and his work creating the Cape Cod Regional Technical High School. The Technical High School was built on land owned by Mr. Marceline, which he sold to the new school district at a severely discounted rate. "There wouldn't be a Cape Cod Tech and we wouldn't be talking about a new Cape Cod Tech in 2020 without James Marceline," said Superintendent Robert Sanborn. Mr. Marceline was a relentless advocate for the less fortunate, and for the creation of affordable housing for families. At Harwich annual town meeting, and as a member of countless town boards, he always respectfully made his voice heard. And he practiced what he preached personally, building a number of homes on his property which he rented to locals at affordable rates. When Mr. Marceline found that Harwich students needed computers to thrive in the modern world he led the effort to call a special town meeting to purchase them for the schools.

He was the loving husband of the late Elizabeth M. "Lillian" Marceline, a father of five children, grandfather of nine, and great-grandfather of four.

Mr. Marceline is remembered for his passion for local government, community involvement, and making a true difference for his town and country. He has been described as Harwich's most revered citizen, and will be missed by many. May he rest in peace, having lived a full life and leaving a remarkable legacy.

Accordingly, as a mark of respect in memory of James "Jimmy" Marceline, at four minutes before twelve o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.

Monday, March 12, 2018

ADJOURNMENT

Ms. Brown moved to adjourn at 8:20 p.m. Ms. Kavanagh seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary

MARIJUANA ARTICLES May 7, 2018 ATM

Retail Sales of Recreational Marijuana

April 9, 2018 Presentation

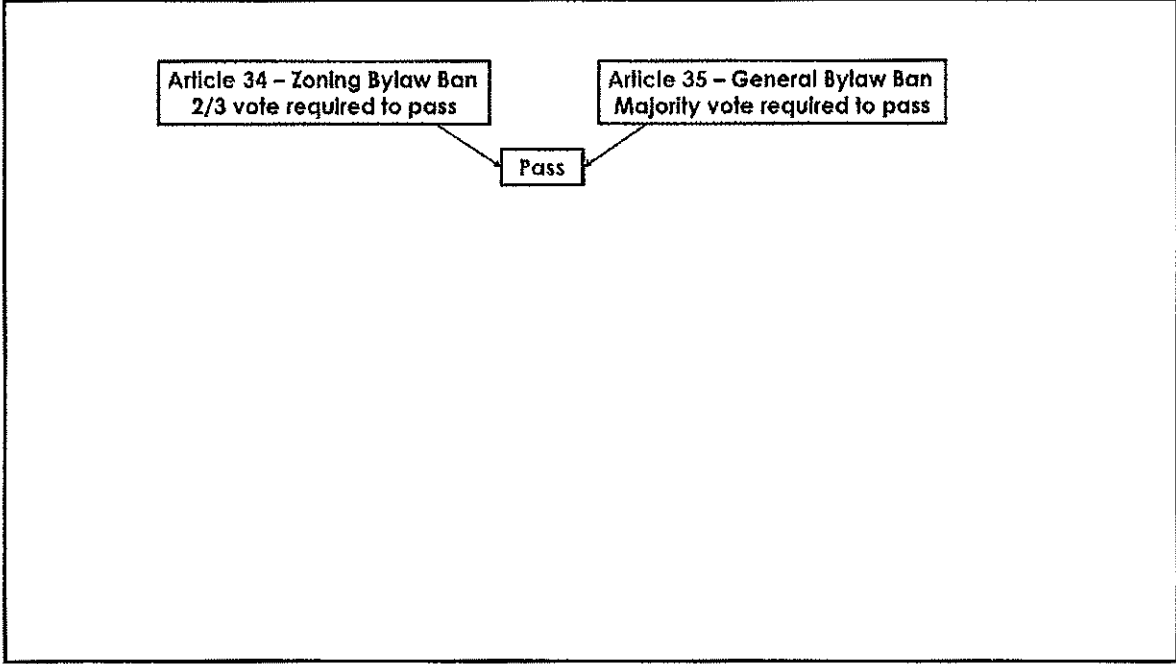
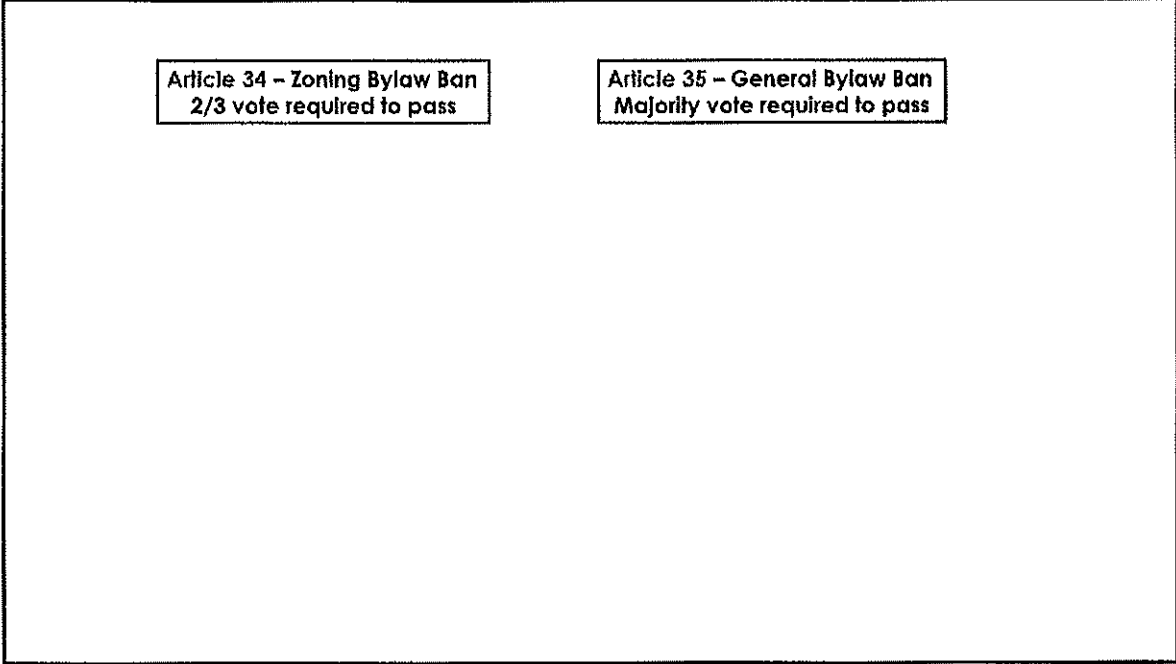
Charleen Greenhalgh, Town Planner

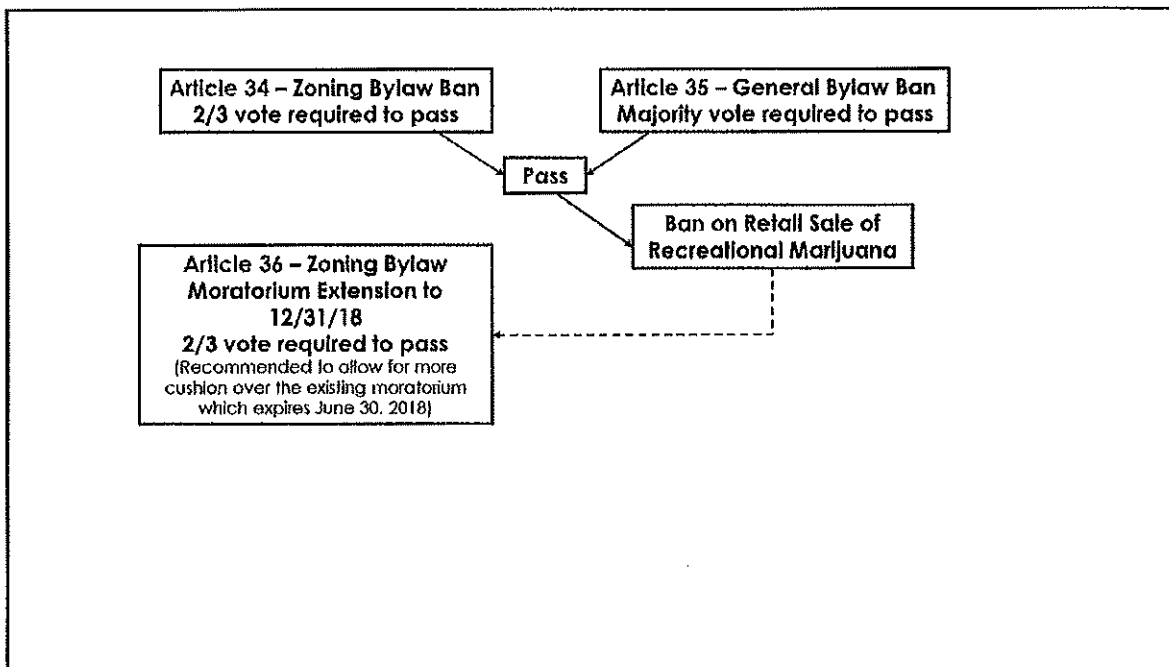
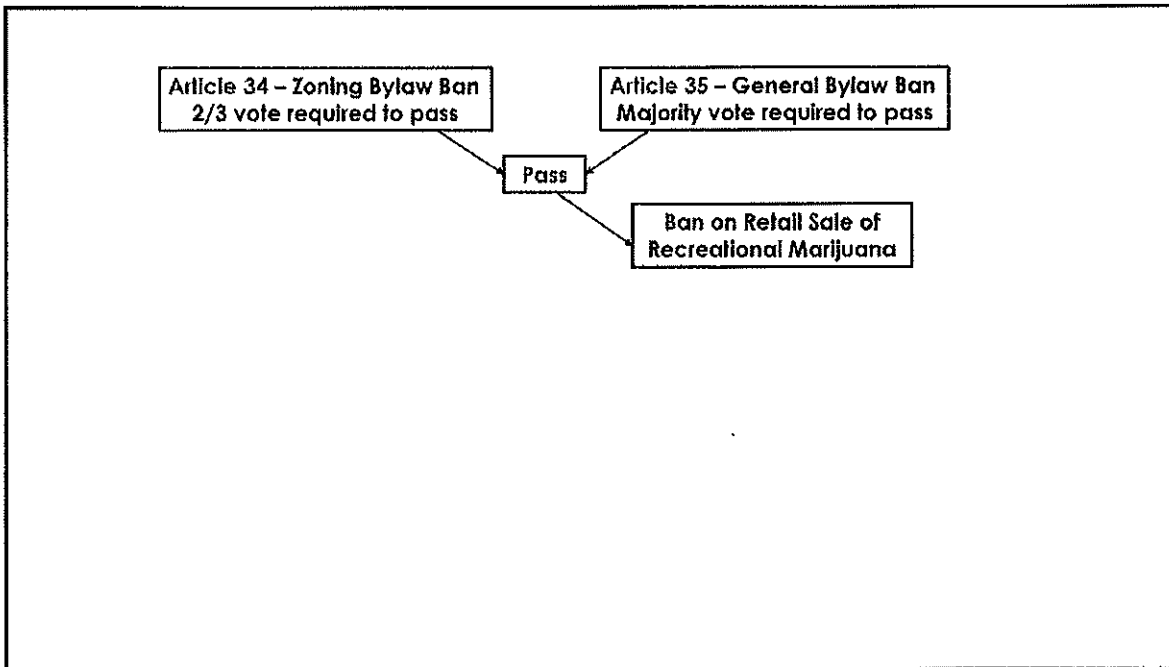
ARTICLE 34 – Zoning Bylaw amendment to ban retail sales of recreational marijuana (2/3 vote required to pass).

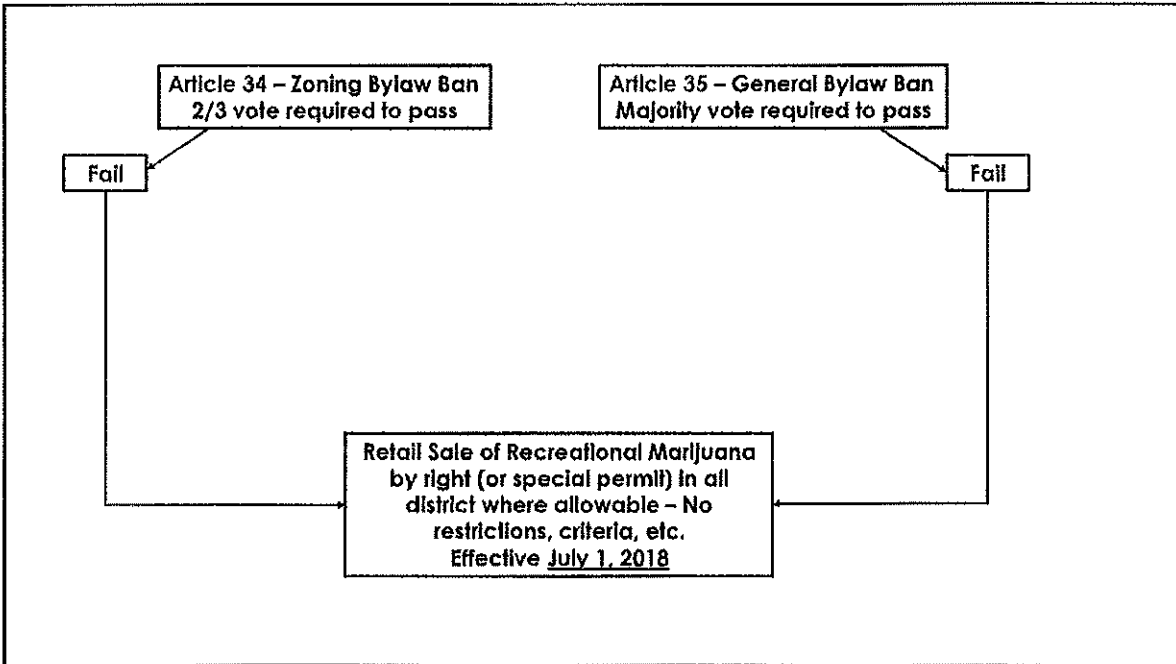
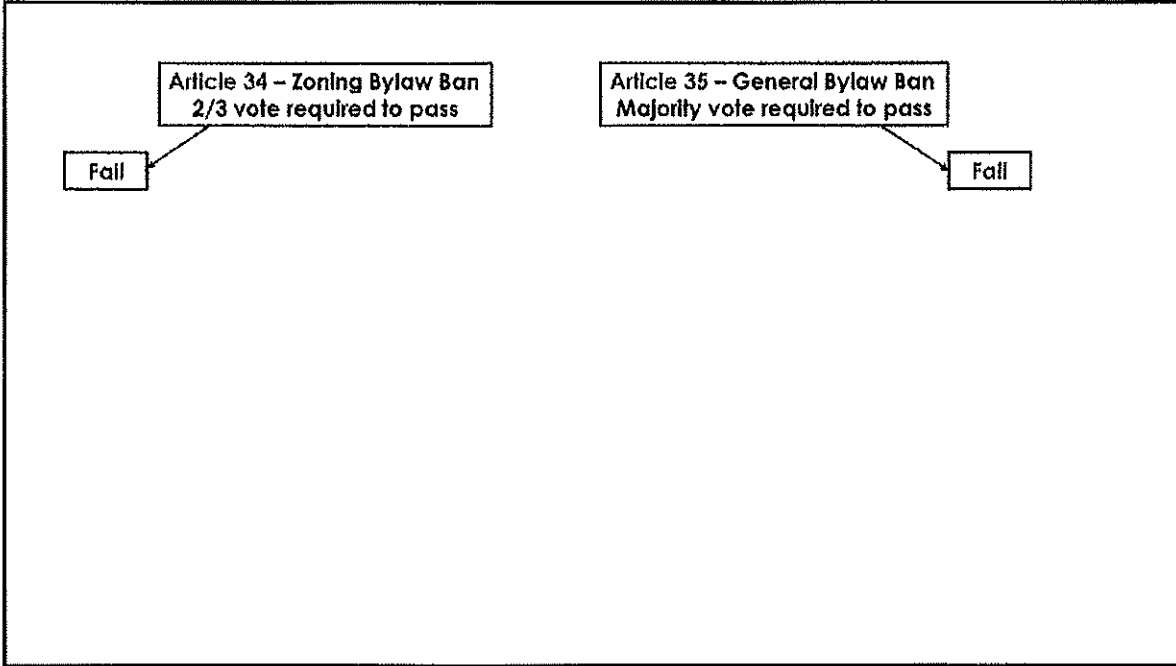
ARTICLE 35 – General Bylaw amendment to ban retail sales of recreational marijuana (majority vote required to pass).

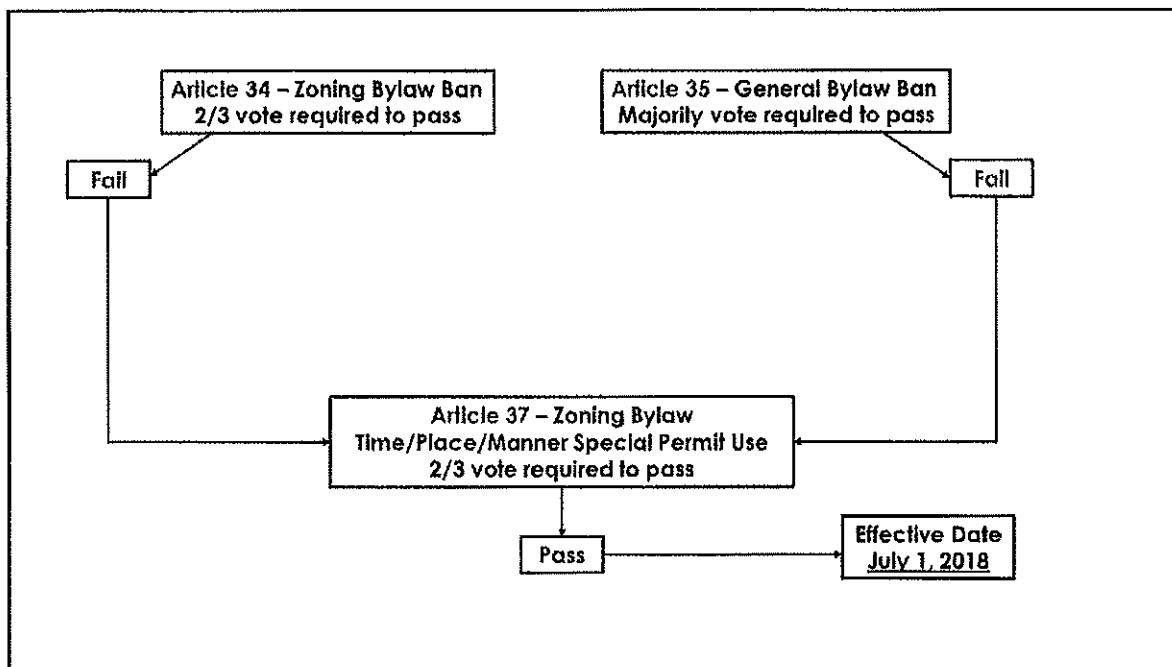
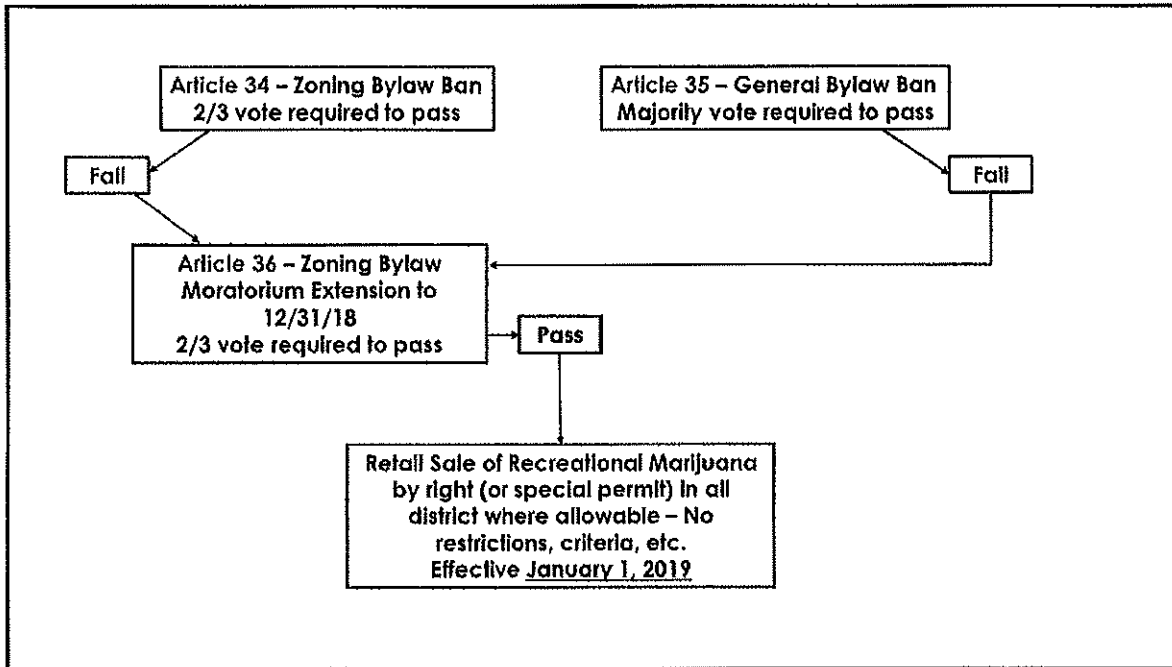
ARTICLE 36 – Zoning Bylaw amendment to extend the existing moratorium on retail sales of recreational marijuana from June 30, 2018 to December 31, 2018 (2/3 vote required to pass).

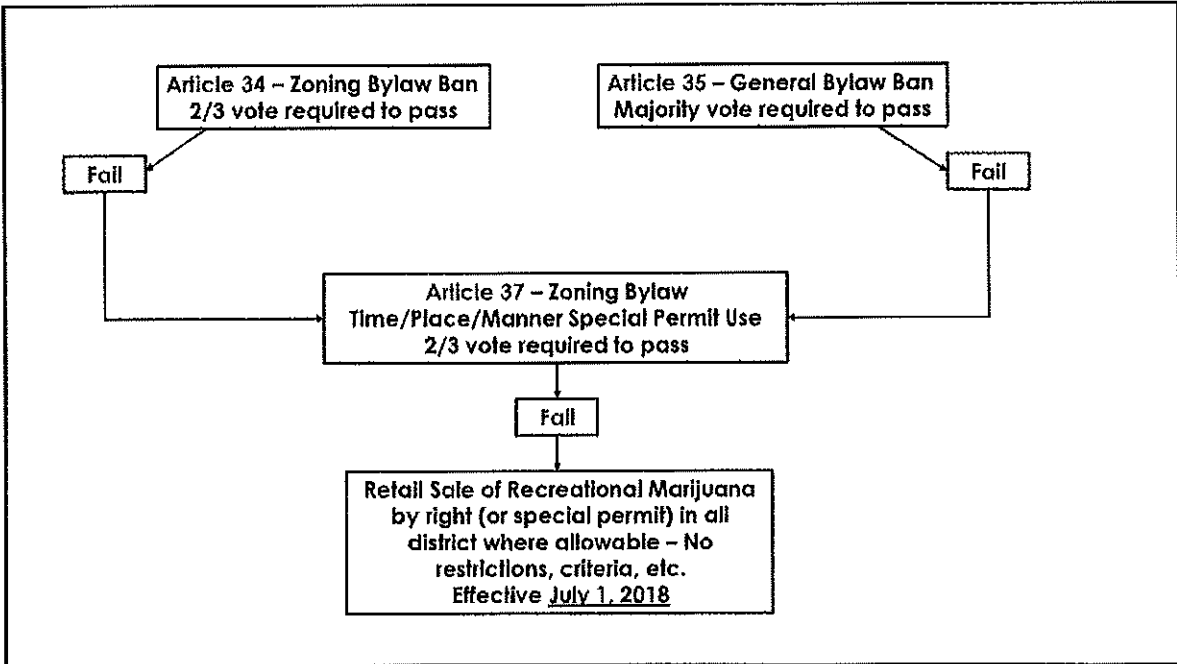
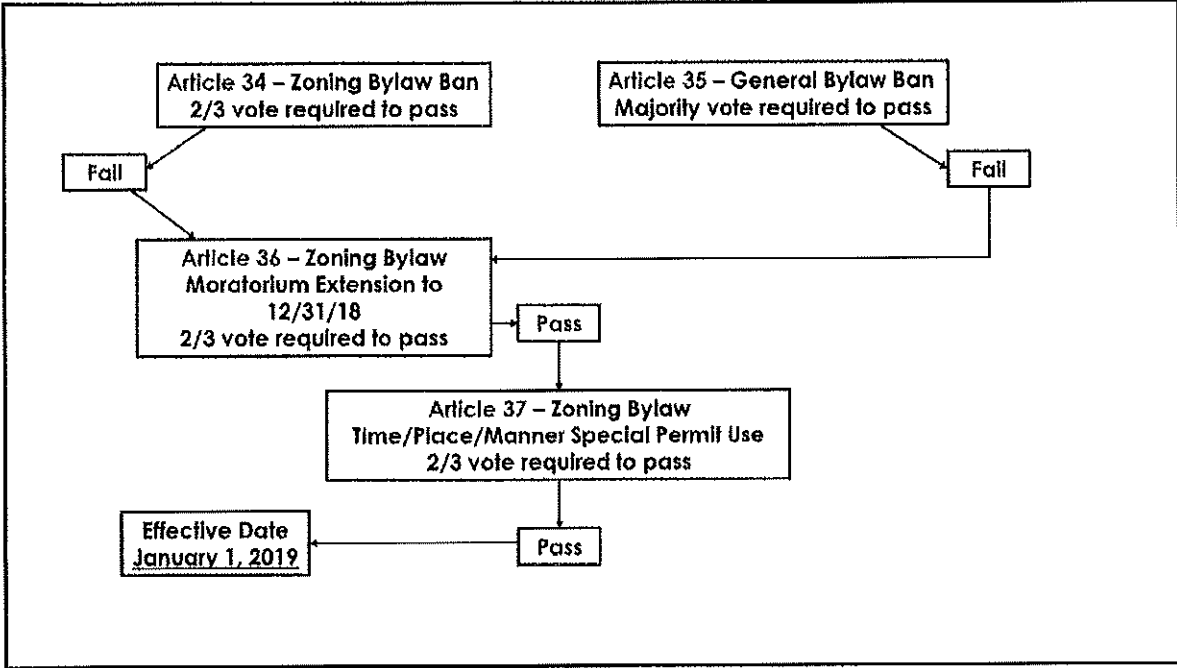
ARTICLE 37 – Zoning Bylaw amendment for a time/place/manner bylaw to allow the retail sales of recreational marijuana by special permit, in commercial zones, with criteria (2/3 vote required to pass).

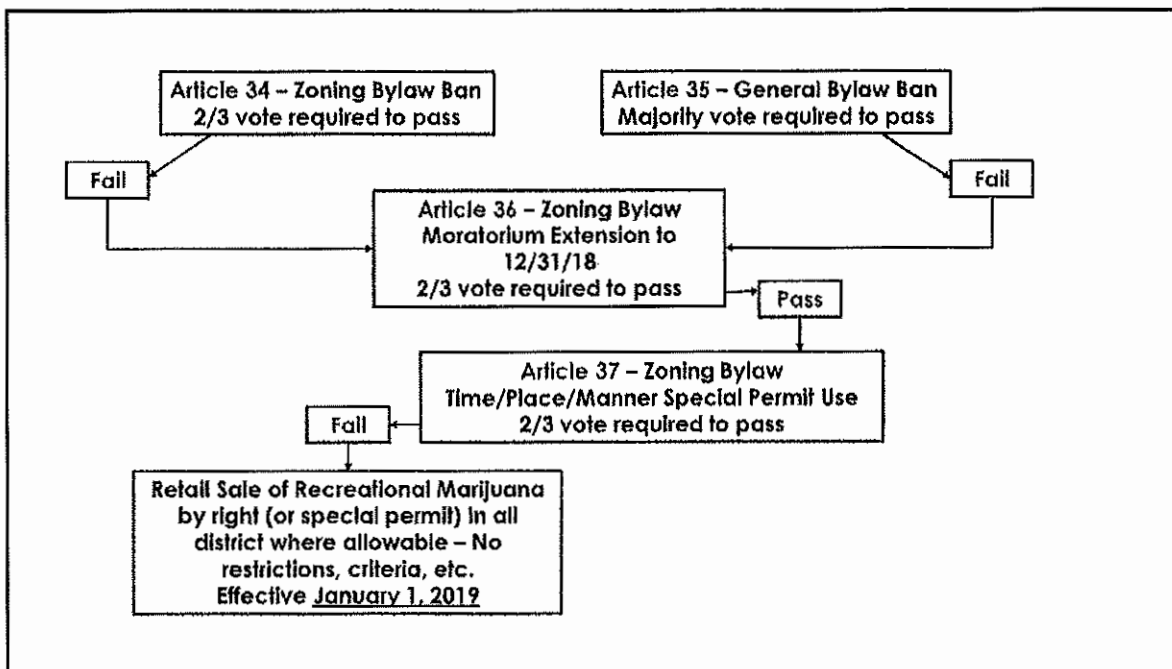












Questions?

Related Documents - April 9, 2018 BOS Meeting

- 01 Agenda.pdf
- 02 Minutes - Mar 26.pdf
- 03 Bldg Permit Fee Waiver-Cart Barn.pdf
- 04 Golf Veteran Certificate.pdf
- 05 One-Day Special Permit - Cakounes.pdf
- 06 Junk Dealer Lic Renewal.pdf
- 07 New Junk Dealer Lic.pdf
- 08 County Gas Diesel Bid Award.pdf
- 09 Surplus Sand Awards.pdf
- 10 Committee Appointments.pdf
- 11 Marijuana Articles.pdf
- 12 Pet Crematory.pdf
- 13 Pet Crematory Financial Plan.pdf
- 14 Opioid Litigation.pdf
- 15 ATM Article Assignments.pdf
- 16 TA Rpt - ATM Wastewater Handout.pdf
- 17 TA Rpt - Wastewater Financial Handout.pdf
- 18 TA Rpt - Snack Shack RFP.pdf
- 19 TA Rpt - 203 Bank St RFP.pdf
- 20 TA Rpt - Dept Reports.pdf
- 21 Honoring James Marceline.pdf