

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, AUGUST 22, 2016  
6:30 P.M.**

**APPROVED**

**SELECTMEN PRESENT:** Brown, Hughes, Kavanagh, LaMantia, MacAskill

**OTHERS PRESENT:** Town Administrator Christopher Clark, Assistant Town Administrator Charleen Greenhalgh, Chief Clarke, Deputy Chief LeBlanc, Deputy Chief Gagnon, John Rendon, Andy Gould, Larry Cole, Ralph Mador, Jeremy Gingras, and others.

**MEETING CALLED TO ORDER** at 6:35 p.m. by Chairman MacAskill.

Chairman MacAskill reported that the Board had just come out of Executive Session where they approved the Assistant Conservation Position and the Patrolmen's Union Contract.

**WEEKLY BRIEFING**

John Rendon updated the Board on the Saquatucket Marina reconstruction project noting that they have run into some delays with regard to the required permitting to commence the project as planned this October. He noted that delays are related to the dredge materials which have elevated levels of contaminants and also determining where to put the materials. He added that they are changing the dock layout which goes into the Federal navigation area of the harbor.

**PUBLIC COMMENT/ANNOUNCEMENTS**

- A. Introduce new Fire Department Chaplain, Father Marc Tremblay of Holy Trinity Church

Chief Clarke and Deputy Chief LeBlanc introduced new Fire Department Chaplain Father Marc Tremblay and provided background information.

Deputy Chief Gagnon invited the Town to the annual Jailhouse Barbeque at the Public Safety Building on September 3<sup>rd</sup> from 11:00 a.m. to 2:00 p.m.

Robert Mador noted that the State has given permission to dedicate the Route 124 overpass to fallen Navy pilot Ralph Burns. He and Jeremy Gingras invited everyone to the dedication ceremony on October 8<sup>th</sup> at Cape Cod Tech.

**CONSENT AGENDA**

- A. Approve Minutes
  - 1. July 11, 2016 – Regular Session
  - 2. July 25, 2016 – Executive Session
- B. Approve the Sales Contracts between Specialty Vehicles, Inc. and the Harwich Fire Department for the new emergency medical vehicle – authorize the Chair to sign
- C. Accept monetary gifts to the Council on Aging Gift Account totaling \$930.00 and \$50.00 to be deposited in the Town Nurse Gift Account

- D. Approve the re-appointment of Dean Hederstedt as a member of the ZBA
- E. Confirm the appointments of Rich Larios and Ed McManus as Finance Committee's representative to the Capital Outlay Committee per the Harwich Home Rule Charter, Chapter 9, Section 5.1
- F. Confirm the appointment of James Atkinson as the Planning Board's representative to the Community Preservation Committee
- G. Approve proclamation request from the Cape & Islands Suicide Prevention Coalition and vote to sign
- H. Approve request by B.A. Event Promotions for a One-Day Entertainment License and a One-Day Special License for Wine and Malt on October 2, 2016, and to waive Town-wide Facilities Use Policy for the event
- I. Approve request by Amazing Grace for a One-Day Entertainment License for recorded music on September 10, 2016 (rain date is September 11, 2016) from 1:00 to 6:00 p.m.
- J. Approve the recommendation of the Town Administrator to approve the Eversource petition to install underground conduit to supply service to 52 Pleasant Bay Road
- K. Approve Caleb Chase Fund request in the amount of \$700 to be paid to Eversource.
- L. Approve Caleb Chase Fund request in the amount of \$700 to be paid to Eversource
- M. Approve Caleb Chase Fund request in the amount of \$197.96 to be paid to Eversource

Ms. Kavanagh moved approval of the Consent Agenda with correction of the date in the Executive Session minutes to July 25, 2016. Mr. Hughes seconded the motion. Chairman MacAskill said to make sure there is a police detail and insurance certificate for Item H. The motion carried by a unanimous vote.

**OLD BUSINESS**

A. Town Beach – Fitzpatrick Property Dispute – *discussion & possible vote*

Mr. Clark reviewed the legal opinion provided by Kopelman & Paige. He explained that we could add to this area once we get permitting to do re-nourishment over time as is our common practice or if the Board wants to pursue this more aggressively which would necessitate a capital improvement request then he could work with Harbormaster on this. Mr. MacAskill suggested that the Town Surveyor establish some sort of property lines for lots 36, 37 and 38 which the Town owns so we can give people an idea of where they can sit on the beach. Mr. Clark pointed out that there is no more Town property at high tide but said he will ask the Surveyor to see what we can do about the tide line so we can give people a reference point. Chairman MacAskill said the intent is to bring this back for discussion. Mr. Hughes said that in preparation for that Mr. Clark should work with the Harbormaster on discussions for possible re-nourishment. Ruth Stevenson of 16 Pine Needle Lane asked if the Board had received Steve McKenna's email on this topic and Chairman MacAskill said they had.

B. Cape Cod Municipal Health Group changes to the Joint Purchase Agreement – *discussion & possible vote*

Mr. Clark noted that he is on the Steering Committee for the Cape Cod Municipal Health Group. He noted proposed amendments to the Agreement which he will be voting in favor of in October.

C. Request by Real Estate and Open Space for Board of Selectmen to declare parcel available for disposition (4 Central Ave., Map 6B, Parcel L134) – *discussion & possible vote*

Real Estate and Open Space Chairman Kathy Green explained that their charge is to identify parcels that are of no use to the Town. She described the parcel they are proposing be declared available for disposition and noted that they reached out to the Recreation Department and they had no interest in it. She stated that after discussion with Mr. Clark and his discussions with Town Counsel, it doesn't seem that this has to go through the typical procedures because of the low assessed value. She recommended offering it to the abutters and then advertising it. Mr. Clark said the procurement law calls for sound business practices for disposition of property, the property is so small you can't build anything on it, and as part of competitive process we will send notices to abutters noting that we accepting bids with a minimum of appraised value. He noted that the recommendation would have to be brought to Town Meeting and if the abutters don't want it, it would be offered to the larger population. Ms. Kavanagh asked if the title is clear and Mr. Clark responded that Kopelman & Paige would do that as part of the process and their due diligence. Mr. Hughes moved that we grant the request by the Real Estate and Open Space Committee to declare the parcel available for disposition, 4 Central Ave., Map 6B, Parcel L134. Mr. LaMantia seconded the motion and the motion carried by a 4-1-0 vote with Ms. Brown in opposition.

D. Real Estate and Open Space recommendation for the acquisition of the "Hawksnest Property" – *discussion & possible vote*

Ms. Brown noted that their recommendation was not for acquisition. Ms. Green stated that they were approached by private citizens regarding this property and they followed procedure, they performed a site walk, site evaluation and they had Mr. Lach of the Harwich Conservation Trust look at it. She reported that their recommendation was not to pursue the acquisition as they felt it was not in real danger of being developed and money could be better used elsewhere and the use of CPA funds limited the use of the property. She added that they also had concerns about lack of clear title. Mr. Clark noted that the title is a mess and added that we would have to change the zoning there to do anything with that property. The Board took comments from Brooke Williams. After discussion, the Board acknowledged receipt. No action was taken.

E. Award of design contract for Brooks Free Library Historic Preservation – *discussion & possible vote*

The Board expressed concerns about this contract being only for the historical part of the building and the possibility of the building being painted two different colors. They also questioned the need for an analysis since the building will likely be painted white. Chairman MacAskill noted that some clarification is needed. Mr. Hughes moved that we authorize the Town Administrator to move forward with the contract for architectural services related to the library restoration project with the firm McGinley Kaslow and Associates Architectural Services in the total amount of \$33,000 from CPC funds broken down as \$28,000 for design work, \$4,000 for contract administration and \$1,000 for reimbursable expenses. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

F. Wastewater Sub-committee financials for Harwich/Chatham IMA – *discussion & possible vote*

Mr. Hughes reported they have had 2 meetings with Chatham on this topic. He reported that they went through the IMA and stated that they weren't ready to talk about financials. He noted that they had a subsequent meeting to better understand financials and got financial information from Chatham. He stated that the meeting was attended by our Finance Director and David Young and at that meeting they started to share some spreadsheets with 30 year bonding with principal interest, and they talked about flow rates, operating costs, etc. He said they need to figure out what this is worth and asked the Board to go through the numbers. He stated that there is grant funding involved and the subcommittee's position is that Chatham shouldn't be taking credit for that grant funding. He noted that there were some soft costs associated with obtaining the grant which might be close to \$1 million but we said we weren't interested in that because they had to do it anyway. He stated that they brought out the fact that they are paying debt service but said we had no interest in interest payments and just care what it is worth. He said that it is his intention that whatever Harwich pays them would go into paying the principal on their debt. He noted that they learned that by the time East Harwich starts to flow sewage to Chatham, that plant will be 9 years old, so we discussed the concept of depreciation which should play into the financial analysis. He said they are trying to set up another meeting in September but the Board should get together to discuss our opening play.

## **NEW BUSINESS**

### *A. Year-end Budget Transfers – discussion & possible vote*

Mr. Gould noted that he submitted to the Board budget line items that were over-expended and are in deficit. He explained that we are allowed to make some transfers at the end of the year without having to go to Town Meeting. He noted that it is about \$100,000 and about \$45,000 is for legal expenses, as well as some salary items including overtime and other items. Mr. Hughes moved that we approve the recommendation to transfer year end balances from the accounts that are in surplus to the accounts that are in deficit as proposed in the memo provided to us for a total amount of \$100,020. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

### *B. Town Administrator's Self Evaluation – discussion & possible vote*

Mr. Clark asked the Board to reconsider his COLA adjustment. Chairman MacAskill stated that the remarks on communications and transparency were the big ones and this year so far he has done an excellent job with most emails being answered very timely. He said Mr. Hughes said at the meeting that they would consider a retroactive adjustment but the rest of the Board did not agree to that. He said they said they would do another review at the 6 month mark. Mr. LaMantia stated that there is a positive and major change this year and if we were to do a review it would be much more positive. He said he would support doing that. Chairman MacAskill said he would put it on the next agenda for discussion. Mr. Hughes said they need to move forward, they are going to have new goals, there is a new Board, and the 6 month timeframe is good which he noted would be December. Chairman MacAskill stated that the goals this year are a lot more clear and not vague, which will certainly help the process. The Board took no action. Ms. Brown departed the meeting.

### *C. Harwich Police Federation Union Contract – discussion & possible vote*

Ms. Kavanagh moved to approve the Harwich Police Federation Union Contract. Mr. Hughes seconded the motion and the motion carried by a 4-0-0 vote. Ms. Brown was not present.

D. Assistant Conservation Agent Job Description – *discussion & possible vote*

Ms. Kavanagh moved to approve the Assistant Conservation Agent Job Description. Mr. Hughes seconded the motion and the motion carried by a 4-0-0 vote. Ms. Brown was not present.

E. Intermunicipal Agreement between the Town (Golf Dept.) and Monomoy Regional School District to mow the fields – *discussion & possible vote*

Ms. Brown returned to the meeting. Mr. Clark took questions on the proposed agreement. Ms. Kavanagh moved to approve the Intermunicipal Agreement between the Town (Golf Dept.) and Monomoy Regional School District to mow the fields. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

F. Perk's Liquor/Entertainment License Violation Report – *discussion & possible vote to hold a Public Hearing*

Ms. Brown moved that we schedule a public hearing regarding violations of the liquor/entertainment license by Perks coffee shop. Mr. Hughes seconded for discussion and pointed out that this is really about the entertainment license. Deputy Chief Gagnon agreed it is the entertainment causing the issue. Ms. Brown amended her motion as follows: to have a public hearing to review the entertainment license of Perks due to 3 reported violations. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote. The Board agreed to hold the hearing on September 19 and discussed looking at all the entertainment licenses in the area. Mr. Gingras stated that it may be time to start looking at the language in the bylaw with regard to noise and distance.

## **TOWN ADMINISTRATOR'S REPORT**

A. Passport services at the Community Center – letter of congratulations

Mr. Clark acknowledged Carolyn Carey for a job well done in consideration of the Certificate of Achievement from the Bureau of Consular Affairs for Passport Services to the Community Center for outstanding passport compliance.

B. Public Beach Drone Regulation Opinion – K&P

Mr. Clark noted that there was a question about launching drones from neighboring towns to fly over our Town beaches and that Mr. Giorgio's opinion is that anything already in the air is under the jurisdiction of the FAA but the policy of Recreation and Youth to not launch drones from our beaches is very much enforceable.

C. Cape Cod Commission Road Safety Audit for Rte. 39 at Pleasant Bay Road

Mr. Clark reported that the Road Safety Audit has been received and put on website. He recommended scheduling time to have more of a discussion regarding the findings and improving sight lines and signage.

D. Building Commissioner announcement

Mr. Clark reported that the Building Commissioner has accepted a position in the town of Wareham, and the position is now posted internally.

E. Activation of Channel 22 – update on status

Mr. Clark stated that the Superintendent has requested the School Committee meetings be played on Channel 18 in addition to the education channel (22) but he thinks the meeting are best played on the education channel.

Mr. Clark reported that Jennifer Clarke has obtained her notary certification, and that Carol Genatossio of the Community Development Department has retired. He further noted that he has a contact at DEP which he will reach out to regarding the West Harwich plume, he added that Ms. Champagne will be providing a summary as well.

**SELECTMEN'S REPORT**

Mr. Hughes inquired if there has been any progress on the Action Item Register and Chairman MacAskill responded that it has been assigned to Ms. Greenhalgh. Mr. Hughes noted that the Committee Handbook should be on the website.

**ADJOURNMENT**

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Ann Steidel  
Recording Secretary

## Related Documents - August 22, 2016 BOS Meeting

- 01 Agenda.pdf
- 02 Minutes - July 11 Regular Session.pdf
- 03 Emergency Vehicle Sales Contract.pdf
- 04 COA gifts.pdf
- 05 Confirm Fincom Reps to Capital Outlay.pdf
- 06 Confirm Planning Rep to CPC.pdf
- 07 Suicide Prevention Wk.pdf
- 08 BA Events 1-day Entertainment Lic & 1-day Special Lic for Wine and Malt.pdf
- 09 Amazing Grace 1-day Entertainment Lic.pdf
- 10 Utility Hearing 52 Pleasant Bay Rd..pdf
- 11 Fitzpatrick Beach Dispute.pdf
- 12 Beach Road Pictures.pdf
- 13 Proposed Changes to CCMHG Agreement.pdf
- 14 REOS - #4 Central Ave.pdf
- 15 REOS Hawksnest Property.pdf
- 16 Chatham Harwich IMA Financials #1.pdf
- 17 Chatham Harwich IMA Financials #2.pdf
- 18 Chatham Harwich IMA Financials #3.pdf
- 19 Year End Budget Transfers.pdf
- 20 TA Goals & Objectives.pdf
- 21 TA Self Evaluation.pdf
- 22 MRSD-Town IMA for Mowing Fields.pdf
- 23 Liq. Lic. - Entertainment Lic Violations.pdf
- 24 Passport Services at the Community Ctr.pdf
- 25 Public Beach Drone Regulation.pdf
- 26 CCC Road Safety Audit - Rt. 39 Pleasant Bay Rd..pdf
- 27 Building Commissioner Announcement.pdf
- 28 Activation of Channel 22.pdf