

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

**APPROVED**

**SELECTMEN PRESENT:** Ballantine, Howell, MacAskill, McManus

**OTHERS PRESENT:** Town Administrator Christopher Clark, Assistant Town Administrator Evan Melillo, Chief Guillemette, Ginny Hewitt, Ray Chesley, Barbara Burgo, and others.

Vice-Chairman Ballantine reported that the Board had just come out of Executive Session where they discussed an issue with the construction of the Fire Station which they are taking under advisement for future action and they also approved a contract with the SEIU managers' union.

**WEEKLY BRIEFING**

Chief Guillemette thanked the Harbormaster for his immediate response to a report of a stolen boat out of Allen Harbor. He reported that they were able to stop the boat and arrest four individuals.

Ms. Hewitt described the summer programs at the Brooks Free Library.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

Barbara Burgo, curator of the Harwich Cape Verdean Museum, said she had a difficult time paying the rent at the Cultural Center for various reasons. She discussed potential donations and asked for more leeway to get the museum going. Vice-Chairman Ballantine said they would bring this back as an agenda item.

**NON-RESIDENTS TAXPAYERS MEETING**

The following topics were covered by the speakers as indicated reviewing the progress in the past year:

1. Fire Station 2 – Chief Norman Clarke
2. Report from the Harbormaster – John Rendon - Saquatucket Harbor Project
3. Report from the Recreation Director – Eric Beebe - Beaches
4. Report from the DPW Director – Lincoln Hooper – Beaches/Trash
5. Council on Aging – Judi Wilson – Programs
6. Channel 18 – Jamie Goodwin – You Tube Access
7. Wastewater Issues - Implementation of the CWMP Phase II/Pleasant Bay/East Harwich – Christopher Clark
8. Overall Financial Position of the Town – Carol Coppola
9. Cultural Districts – Cyndi Williams/Charleen Greenhalgh

The Board took questions from Mr. Jerry Moody regarding the budgeting process.

**CONSENT AGENDA**

- A. Approve Minutes:
1. June 25, 2018 Regular Session
  2. July 9, 2018 Regular Session

- B. Approve request by Democratic Town Committee to appoint Margaret Rose as Election Worker
- C. Sign Primary Election Warrant for September 4, 2018
- D. Approve request from Harbormaster to add one additional 40 foot Commercial Slip/Class A Permit

Mr. Howell asked to table the minutes of July 9, 2018 as he believed there was an error in one of the votes and he wanted to check into it. Vice-Chairman Ballantine pulled Item D from the Consent Agenda. Mr. McManus moved approval of the balance of the items. Mr. Howell seconded the motion and the motion carried by a unanimous vote. Mr. Howell asked that the Harbormaster explain Item D. Mr. Rendon said the intent was to try to increase by at least one commercial slip when we increased by eleven slips in the marina. He explained that there was one commercial slip that was vacated and the next person on the waitlist has a 24' width boat, the Midnight Hour, which cannot fit in the slip. He noted that this person has come up before and we haven't been able to accommodate him. He reported that they have tried putting him on the south side of the Wychmere Pier and they have monitored the clearances for other fishermen and it is working so his intent would be to make that a permanent slip for the Midnight Hour and the extra permit would go to the next person on the waitlist and that would be at Saquatucket Harbor. Mr. MacAskill moved to approve the request from the Harbormaster to add one additional 40 foot Commercial Slip/Class A Permit. Mr. McManus seconded the motion. Mr. Rendon said he has the authority to change the number of commercial slips in the Harbor Management Plan. Mr. Howell noted that it is still a change to the Plan and suggested there be a motion to reflect that. Mr. Rendon noted that he already went to the Waterways Committee and they supported the proposal to increase the commercial permits but said he had no issue with the Board voting it. Mr. MacAskill amended his motion to include "and amend the current Waterways Management Plan to reflect it." Mr. McManus agreed to the amendment and the motion carried by a unanimous vote.

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

##### **A. Public Hearing – Building Department Fees**

Mr. McManus read the hearing notice into record. Mr. Chesley, Building Commissioner, reviewed the proposed fees noting that they had compared our fees to other towns taking into account that each town calculates their fees differently so fees were applied to a standard model to get to a fair average. He noted that the Harwich fees are 57.2% lower than the average fees of the surrounding towns and he asked that the Board raise the fees accordingly. Mr. Chesley took questions from the Board regarding how this relates to expenses and the last time fees were increased which he noted was in 2012. He added that we do need a fee increase to cover our costs. Mr. Howell stressed that fees have to be based on the costs to the Town for providing the service to the applicant so they need information on fees relative to our costs. Mr. McManus said the total cost should be for operating the inspection services. Mr. Chesley said he would do work to that end and Mr. Clark said they will provide that information to the Board. The Board agreed to continue the hearing until August 20, 2018.

#### **NEW BUSINESS**

##### **A. Request by Perks to extend starting time on Weekday Entertainment License to 11:30 a.m. and on Sunday Entertainment License to 1:00 p.m.**

Mr. Powell, owner of Perks, explained that this request is to be in line with the other business in the area who have extended their start times. He asked questions about the entertainment hours relative to the noise by-law which addressed by Chief Guillemette. Specifically, Mr. Powell pointed out that there is a gray area between midnight and 1:00 a.m. as the Board voted to end indoor entertainment at midnight but restaurants stay open until 1:00 a.m. and are not stopping their entertainment. Chief Guillemette indicated that as long as the noise isn't heard off the premises during that time they aren't in violation. Mr. MacAskill asked to put this issue on

an agenda. Mr. MacAskill moved to approve the request by Perks to extend starting time on Weekday Entertainment License to 11:30 a.m. and on Sunday Entertainment License to 1:00 p.m. with all other terms and conditions of the previous license. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

- B. Request by The Children's Center for One-Day Beer & Wine License for event to be held at Cultural Center on October 28, 2018 and waiver of \$400 room rental fee

Mr. Howell recused himself on this request as The Children's Center is part of HECH and he is on the Board of HECH. Mr. MacAskill moved to approve the request by The Children's Center for a One-Day Beer & Wine License for event to be held at Cultural Center on October 28, 2018 and waiver of \$400 room rental fee. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

- C. Accept gift of memorial bench to be placed at Saquatucket Harbor on completion of project

Mr. MacAskill moved to accept the gift of a memorial bench to be placed at Saquatucket Harbor on completion of the project. Mr. McManus seconded the motion. Mr. Clark noted the location would be determined by the Harbormaster and the DPW Director has recommended a granite bench and Mr. Clark asked that those two decisions be deferred to those two departments to maintain a level of consistency. Mr. McManus said his preference is a traditional park bench with arms and commented that the granite benches are cold. Mr. Bill Carey said he and his family are committed to working with the Town to do what makes the most sense. The consensus of the Board was that he work with the Harbormaster. Mr. McManus asked that they come back with the final plan. The motion carried by a unanimous vote.

- D. Harwich Pines Association – Application of Special Purpose Mooring Permits

Mr. Ballantine reported that the applicant was unable to attend tonight and this item will be rescheduled to August 20.

- E. Dennis/Harwich/Yarmouth wastewater special legislation

Mr. Clark reported that legislation is currently being reviewed by house counsel noting that this is just to create the partnership entity and the details will be in the agreement. He said they can have more of a discussion on August 20. Mr. Howell noted that when this gets brought forward, the specific question is what was the language that was changed. Mr. Clark said he will report to the Board once he hears back.

- F. Overview of land use controls for wastewater purposes

The Board agreed to take up this item on August 20.

- G. Wastewater Communications/Outreach Coordinator RFP

Mr. Clark reported that he would be presenting this RFP to the Wastewater Support Committee tomorrow morning to solicit comments. He said they would make necessary revisions and get the RFP out. Vice-Chairman Ballantine commented that he wanted to delete the reference to public relations as it gives the impression we are selling the project, and he didn't want to restrict this to \$20,000. He added that we need to delay the deadline to give reasonable time for responses. Mr. McManus agreed that reference to public relations should be removed.

- H. Conservation Law Foundation legal action pertaining to wastewater

Mr. Ballantine questioned if there is anything they can do to make a political statement in support of the two businesses that are very important to us that are being threatened by this. He said we need more legal feedback to find out to what extent we can make a statement. Mr. Clark said both businesses receive their permits directly from the Commonwealth and this is about whether permits should be issued by the Commonwealth or EPA and is beyond our initial scope. He noted that our CWMP covers our entire community and these businesses have relied on that. He said at this stage the Town has been in touch with these two businesses and if it is appropriate, a formal request will be made of the Board. Mr. Ballantine asked Mr. Clark to ask our attorney what we can do in terms of support.

I. MassWorks Infrastructure Program 2018 Grant Application authorization to submit

Mr. Clark noted that this is for construction of a sidewalk from Saquatucket Harbor to Bank Street and the State has done some survey work. He stated that the project's estimated cost is \$826,500. Mr. Howell moved that we request the MassWorks Infrastructure Program 2018 Grant and to sign the letter that is in the packet relating to that. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

**OLD BUSINESS**

A. Fraud Assessment Policy – second reading

Ms. Coppola outlined the changes that were made as a result of the first reading. Mr. Howell said he would not support this in its current form. He explained that in the past week, one member of this Board approached our legal counsel to question the legality of a couple of actions that were taken by the Town Administrator. Mr. Howell stated the following: The response of our lawyer was to show pretty much everyone in Town that he's not an honest broker. The fact of the matter is his next move was to take an email with kind of mashed rationale about what was discussed and send it to the Town Administrator. The whole point of somebody dropping a dime on the possibility of waste or fraud is the ability to feel that you're covered, that whoever you're reporting it to has your back and our counsel has shown through these actions that, even on a Board of Selectmen level, he works for the Town Administrator, he doesn't work for the Town and I have had a couple of employees express that kind of concern to me, so given that fact and given that he can't seem to be able to understand what team he plays for, he shouldn't be in this thing at all.

Ms. Coppola said in her experience she doesn't think it's uncommon for a Board to have their own separate legal counsel. She added that the IG's office already has a hotline set up so in her opinion it's kind of duplicity. Mr. Howell said he would like to bring this item back and he would like to have a discussion about legal counsel that is broader than what he just brought up. The consensus of the Board was to bring this item back. Mr. Howell moved that we approve the policy with the exception of the paragraph relating to the suspected misconduct involving the Town Administrator and the Finance Director which we will bring back to add an additional source and delete Town's legal counsel from the text. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

B. Community Center Sunday openings

Mr. Clark said this was an enhancement of services that was put in the budget in response to some of the Board's concerns. He said he thought that the enhancement of services in general was taken out of the budget and the minutes reflect that he had said it was clear to him that the intent of the Board was to have the Sunday openings included so Ms. Coppola had put it in the budget. He noted that he didn't provide instructions to staff to commence implementation of that as he simply hadn't remembered correctly. He said he has now met with staff to say we need to commence Sunday openings and we are in the process of recruiting additional

staff. Mr. Howell commented that the focus of this should be on programs for kids who are not able to access the building during traditional operating hours. Mr. Clark agreed and said this does not extend to Channel 18 or the Council on Aging. Mr. MacAskill requested that this get on the next agenda for an update.

C. Report on Budget Transfers

Ms. Coppola briefly outlined her report of budget transfers noting that she included a table of those transfers which were associated with errors, specifically how the over-expenditures occurred.

**TOWN ADMINISTRATOR'S REPORT**

A. Certificate of Achievement for Excellence in Financial Reporting

Mr. Clark noted that included in the packet is the press release on our Certificate of Achievement for Excellence in Financial Reporting which is also available online.

B. Award of Community Development Block Grant Partnership

Mr. Clark reported that we partnered with Truro, Eastham and Provincetown to make application for a Community Development Block Grant and were successful in that effort. He noted that the grant amount is \$1,142,813 which provides housing assistance and child care.

C. Old Post Road fire pit complaint - report from Fire Chief

Mr. Clark reported that the Deputy Fire Chief looked at this situation and it was deemed that there was no excessive burning or significant issues. At Mr. MacAskill's recommendation, Mr. Clark and Deputy Chief LeBlanc agreed to follow up with the homeowner.

D. Employee commendations – Community Development, DPW and Police

Mr. Clark reported that we have received a commendation from a citizen for assistance she received from Jennifer Clarke of the Community Development Department. He added that Chief Clarke has commended DPW employee Dan Oeschlager for his quick and immediate assistance at a bicycle accident as well as Officers Boorak, Ruggiero and Griffiths for their assistance at a recent motor vehicle accident and related fire.

E. Report of Fee Review for Board of Health

Mr. Clark reported that he brought up at a department head meeting the need to look at when the last time departments reviewed fees. He noted that the Health Director has reported that Board of Health fees were last adjusted in 2014.

F. MassWorks Dredge Grant Application

Mr. Clark reported that this grant application was submitted on Friday. He noted that the grant would be \$72,000 with Town funding of \$36,000.

G. Crosswalks at Brooks Library

Mr. Clark reported that in response to the letter from the Library, Mr. Hooper has ordered signs to go in the road to try to slow people down and we are also going to have additional painting done to make the crosswalks

much more noticeable. Ms. Hewitt discussed safety concerns associated with the area of the crosswalk. Mr. Clark explained that they are looking at longer terms solutions and have asked Steve Tupper from the Cape Cod Commission to look at it and provide recommendations.

Mr. McManus recommended that the speed limits on Depot Street in East Harwich be at 30 mph in both directions at the bike path. The process for doing so was discussed and Mr. Howell suggested placing yellow advisory signs there.

#### H. Departmental Reports

There was no action or discussion on this item.

### **SELECTMEN'S REPORT**

#### A. Committee Vacancy List

There was no action or discussion on this item.

### **ADJOURNMENT**

Mr. McManus moved to adjourn at 9:35 p.m. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel  
Recording Secretary

## Related Documents - August 6, 2018 BOS Meeting

- 01 Agenda.pdf
- 02 NRTP Ad.pdf
- 03 Fire Station 2.pdf
- 04 Harbormaster Report.pdf
- 05 Recreation Report.pdf
- 06 Channel 18 Report.pdf
- 07 Wastewater Report.pdf
- 08 Finance Director.pdf
- 09 Cultural Districts.pdf
- 10 Minutes 6-25-18.pdf
- 11 Minutes 7-9-18.pdf
- 12 Election Worker.pdf
- 13 Election Warrant.pdf
- 14 Commercial Slip.pdf
- 15 Building Dept Fees 1.pdf
- 16 Building Dept Fees 2.pdf
- 17 Perks.pdf
- 18 Childrens Center.pdf
- 19 Memorial Bench.pdf
- 20 Special purpose Mooring.pdf
- 21 DHY Wastewater Legislation.pdf
- 22 Land Use Controls.pdf
- 23 Wastewater Coordinator RFP.pdf
- 24 Conservation Law Foundation.pdf
- 25 MassWorks Grant Sidewalks.pdf
- 26 Fraud Assessment policy.pdf
- 27 Comm Ctr Sundays.pdf
- 28 Budget Transfers.pdf
- 29 CAFR Certificate.pdf
- 30 CDBG.pdf
- 31 Fire pit complaint.pdf
- 32 Employee Commendations.pdf
- 33 BOH Fee Review.pdf
- 34 MassWorks Dredge Application.pdf
- 35 Crosswalks at Library.pdf
- 36 Departmental Reports.pdf
- 37 Committee Vacancies.pdf