

APPROVED

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, DECEMBER 4, 2017
6:30 P.M.**

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

OTHERS PRESENT: Town Administrator Christopher Clark, Chief Clarke, Deputy Chief LeBlanc, John Rendon, Lincoln Hooper, Carolyn Carey, Larry Brophy, James Atkinson, David Ryer, Cyndi Williams, Judy Ford, and others.

Chairman MacAskill called the meeting to order at 6:30 p.m. He reported that the Board just came out of Executive Session where they discussed Fire and HEA contract issues.

WEEKLY BRIEFING

No one appeared before the Board.

PUBLIC COMMENTS/ANNOUNCEMENTS

Ms. Williams reported on the success of the Chamber of Commerce holiday events. Firefighter/Paramedic Willis encouraged the public to donate to the Family Pantry and Homeless for the Holidays event being held at Brooks Park.

CONSENT AGENDA

- A. Approve Minutes –
 - 1. November 13, 2017 Executive Session
 - 2. November 20, 2017 Executive Session
- B. Vote to refer the proposed extension of retail sales of marijuana by-law to the Planning Board for Public Hearing
- C. Vote to approve the waiver of Municipal Fees for Eastward Companies relative to the Saquatucket Marina project

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

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

- A. Public Hearing — Proposed Disposal Area Fees

Mr. Ballantine read the hearing notice into record and Chairman MacAskill opened the hearing. Mr. Hooper outlined his memo to the Board dated November 6, 2017 as follows:

After reading the Board's FY 19 Budget Message and having a member of the Board email me an idea on how to raise additional revenue at the Disposal Area, I decided to review our commercial fees and compare them to market conditions. Although the Board voted a \$10 increase in the C&D tip rate last May (effective July 1), it appears our primary competition

(the Town of Yarmouth) has raised their rate to \$145 since our increase. On April 5, 2017, the date on my FY 18 Disposal Area Fee Recommendation memo, the Town of Yarmouth was \$140 per ton and was unsure if they were increasing their C&D rate. They decided to increase their rate after I had conducted the fee survey and made it effective July 1, 2017.

Our C&D tonnage has increased dramatically and nearly doubled in the last four years. I attribute this to three factors: Strong building and remodeling business, other towns increasing their rates to \$200 per ton to drive the material elsewhere and our favorable disposal rate that is currently below market conditions. Given these circumstances, I would like to recommend that the Board consider raising our C&D tip rate to \$145 per ton to match the Town of Yarmouth's price. Doing so would provide approximately \$47,000 in additional revenue.

It should be noted that I am making this recommendation solely based on market conditions and the Board's desire to maximize revenues. This is the first time I have ever made a mid-year fee recommendation to the Board and do so somewhat reluctantly. Although I wait as long possible to make my annual recommendation to the Board (usually April) to be as close to market conditions as we can, the market changes. In this instance, the Yarmouth Board of Selectmen gave their DPW Director Jeff Colby the autonomy to move their C&D disposal tip fee within a set range. In this instance, Mr. Colby increased their fee in reaction to an increase to their contracted trucking costs that was effective July 1, 2017.

Mr. Howell moved to increase the C&D rate by \$5 to \$145 per ton as per the recommendation of the DPW Director. Ms. Brown seconded the motion and the motion carried by a unanimous vote.

B. Annual Meetings with the Selectmen:

1. Planning Board

Mr. Brophy delivered the annual report of the Planning Board and he and Mr. Atkinson took questions and comments from the Board.

2. Zoning Board of Appeals

Mr. Ryer delivered the annual report of the Zoning Board of Appeals and took questions and comments from the Board.

3. Board of Health

Ms. Howell delivered the annual report of the Board of Health and took questions and comments from the Board.

NEW BUSINESS

A. Saquatucket Landside project – DPW responsibilities and cost associated with project

Chairman MacAskill noted that he put this on the agenda for informational purposes as the DPW responsibilities for the harbor project were not in the packet last week. Mr. Clark said he had indicated at the last meeting that the DPW would do the parking project at the former Downey property and he provided a map of the project which included pervious pavement instead of catch basins. He noted

that the project has been approved by the Conservation Commission and DPW would do it at an estimate of \$94-95K. He recommended that if we are able to secure a grant relative to this project that we have it done in-house. Mr. Ballantine said labor costs should be included in the estimate and Mr. Clark agreed to do so. Chairman MacAskill had concerns about using stone dust and having only a \$17,000 contingency after the DPW completes its work. He asked for a complete packet. Mr. Rendon said the stone dust is ADA compliant. Chairman MacAskill noted that we used it behind the Community Center and had to replace it. Mr. Clark responded that the replacement had more to do with maintenance. Mr. Hart said he contacted the Mass Office on Disability and the granite dust is allowed but has to be put in by a professional as the base has to have drainage.

B. Award of Contract for the installation of a new septic system at Saquatucket Harbor to C.C. Construction in the amount of \$239,000

Mr. Clark said that this is for the Harbormaster's Office and the public restrooms, and restrooms related to the garage. He noted that it is not for any future restaurant, and that would have its own septic system. In response to questions from Chairman MacAskill, Mr. Clark noted that it would have to be a raised system as tight tanks are not allowed in this area per the Health Director. Chairman MacAskill said he has problems with the contract including addressing no liquidated damages as well as other things. Mr. Clark said the bid documents should have been attached. Mr. Ballantine moved to award the contract for Saquatucket Harbor to C. C. Construction contingent on the Chairman's review of the contract with the Town Administrator in the amount of \$239,000. Mr. Howell seconded the motion. Mr. Howell commented that he preferred having recommendations on these items. The motion carried by a unanimous vote.

C. Approve private plow rates at the recommendation of the DPW Director

Ms. Kavanagh moved to approve the private plow rates proposed by Link Hooper, the Director of DPW. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

D. Request for lights at the Centeio-Baldwin Little League field on Oak Street

Mr. Clark noted that no documentation exists on the arrangement with the Little League. He suggested that they come up with a lighting plan for the Board to approve but said we need to be sensitive to the residents in the area. Mr. Howell agreed and said the Board should hold a hearing on this. Chairman MacAskill pointed out that there is no formal agreement but rather just a handshake agreement with a former Board of Selectmen. He added that they are going to put their thoughts together and schedule a meeting with the Board.

E. Parameters for Selectmen appointees to the Community Preservation Committee

Ms. Brown said that too much of the CPC were people serving on the committees applying for the grant and that Board appointees should be neutral people from the community and Mr. Howell agreed and said the Board should commit to spreading it around a bit. Mr. Clark said in one of the other towns the Selectmen are actually CPC members and it is important to have neutral people as the tax dollars are given for an intended purpose and should be spent for that purpose. He commented that to have the money just sit is wrong. Ms. Kavanagh agreed and said the Selectmen would be better informed with all the information they have coming to them weekly. Mr. Howell pointed out that the Charter would have to be changed as it prohibits the Board from appointing any of its members to a committee they have appointment authority over. Chairman MacAskill recommended that Mr. Howell

and Ms. Brown put together a plan for the Board to vote on and Mr. Howell said that it would be in January.

F. Community Center Rental Fees for those charging a fee for services

Ms. Brown recused herself noting that she has a family member who rents space at the Community Center. Chairman MacAskill stated that Ms. Brown asked for this to be on the agenda and that this started because they wanted to try to keep the Community Center open on Sundays and soft holidays for kids to have something to do. He pointed out that the COA has classes in the gym and the Board does not have information on that. He said he has discussed making this a budget item with Mr. Clark. Mr. Clark stated that we do our best to try to provide services to a broad base in the community but when we provide services that are general in nature such as open gym, there will be costs associated, and we will pursue finding out what the anticipated costs are. He said for soft holidays, they came up with 6 hours to explore being open on those holidays and suggested those holidays include Presidents' Day and Patriots' Day during school vacation weeks. He suggested experimenting to see what kind of response we get and questioned if we want the building open to the general public or just for programs. Mr. Ballantine questioned if we are competitive with rates and noted that Truro uses a lot of volunteers. Mr. Clark pointed out that Truro is open from 9:00 to 4:00 on Monday through Friday and on weekends they use a fob system which costs approximately \$150,000. Mr. Beebe said he is hesitant to use volunteers to supervise children. Ms. Kavanagh questioned if we could increase fees slightly. Ms. Carey said the fees were set by the Board last year and the majority of their users are non-profits, with for-profits being charged double. Ms. Carey explained how the revolving accounts work for the for-profits and she and Mr. Beebe discussed how fees are evaluated. Ms. Kavanagh agreed with Mr. Clark that they should gauge interest in use fees during school vacation. Mr. Beebe said the biggest request is open gym which has always been free and the problem would be staffing on Sundays. He said he didn't think they would get many people if they charged an additional fee. Mr. Clark said it would be better for them to vet out the costs and see how the Board wants to proceed during the budget process. Mr. Howell pointed out that every building that has a gym isn't open when kids are around and added that we have to find a way to do this. Chairman MacAskill asked Ms. Carey to look at the room and hourly rates.

G. Cultural Center Uses and Fee Structures

Ms. Brown stated that she provided the charge in the creation of the Cultural Center in which we asked them to look at lease agreements. She noted that there has been such a great interest and it's important to set parameters for its use. She stated it's zoned for educational, non-profit, and for municipal use but we don't have any definitions as to what percentage of the building should be used for each zoning aspect, also we should set the definition of what is cultural. Mr. Ballantine stated we are trying to do it in a minimal way and provide a service and questioned what would happen if we moved toward maximum use by using the auditorium for cultural use, or having a cooking lab. He said they could have someone take it over or the Town could rent it out. Mr. Clark stated that no one is going to make a long term investment with a 2 year lease. He noted that 90% of renters now are artists and we need to start to market use of the cafeteria and auditorium. He reported that that the Cape Cod Theater is considering going into the Middle School but they wouldn't consider it for a 2 year lease. Ms. Carey stated that we have brought in \$76,030 to date and she reviewed the proposal for an additional charge for room sharing and future addition of portable classrooms. Ms. Brown said she didn't think the fee for the gym should be greater than at the Community Center and they should be equal, or given to Mr. Beebe as part of the municipal use component. Mr. Howell cautioned about use of the cafeteria as a Food Service License covers the facility itself and the people who use it. Mr. Ballantine said he was

thinking of using it more for a teaching tool as in a cooking institute. Mr. Howell responded that the requirements remain the same. Ms. Carey said she is not looking at changing fees for the current leases. Chairman MacAskill said he would schedule a public hearing on this and invited the Board to provide comments on the definition of cultural. Ms. Brown asked to include percentage of use as part of that discussion.

H. Community Center Sunday and soft holiday hours and temporary policy for use and fees during school vacations

Mr. Clark said it makes sense to have this as part of the budget package and to explore being open on soft holidays which he indicated would include Martin Luther King Day, Columbus Day, day after Thanksgiving, Patriots' Day, and Presidents' Day. He noted that a custodian would be required if we are running programs. Ms. Brown said the custodian could set up rooms the night before. Mr. Beebe stated that if the gym is open then the building should be open and both should be staffed. He expressed concern for supervision and liability issues such as kids wandering through the building and commented that anything can happen. Ms. Brown suggested putting up gates and questioned what could happen. She added that we should see what Chatham does. Mr. Beebe responded that he does not want to follow what Chatham does and he pointed out that someone was severely assaulted at their open gym program at a time when they didn't have adequate supervision. Ms. Carey stressed that someone could get hurt or sick and a custodian would be needed. Mr. Howell recommended they meet with the Fire Department and Mr. Libby to see what could be configured legally in the building and added that he is not convinced it would be a deal killer if we put up a gate. The Board agreed to discuss all the details when they come back.

I. Discussion on a Selectmen's Policy related to contracts submitted for BOS approval

Chairman MacAskill said he would like to update this policy and have the Department Head, Town Administrator and Finance Director sign the contracts before they come to the Board. The Board agreed to have Chairman MacAskill work on the policy.

OLD BUSINESS

A. South Harwich Meetinghouse License Agreement

Mr. Clark stated that the License Use Agreement has been approved by Counsel and recommended it be executed. Ms. Ford submitted a fee schedule as an attachment to the License Agreement. The Board thanked Ms. Ford for all her efforts. Mr. Howell moved to accept the agreement as written. Ms. Brown seconded the motion and the motion carried by a unanimous vote. Ms. Ford said they would love for the Town to use the building and announced the opening event with the Chatham Chorale is on March 17.

B. Open Meeting Law Complaints

Chairman MacAskill stated there were two complaints by Ms. Cebula and the Board has to vote on the response letter. Mr. Howell noted that there has been no recommendation from the Interview Committee that has not been accompanied by a signed report of who was interviewed and what the recommendation is which are the minutes. Chairman MacAskill pointed out that the Attorney General determined that there is no need to put "discussion and possible vote" on the agenda. Mr. Howell

moved to accept the letter as written. Ms. Brown seconded the motion and the motion carried by a unanimous vote.

TOWN ADMINISTRATOR'S REPORT

A. Seasonal Liquor Licenses – Special Legislation for additional Annual All Alcohol Licenses

Mr. Clark provided information on seasonal liquor licenses as requested by Board. He suggested sending letters to seasonal license holders to see if they are interested in obtaining an annual license and gauge the interest. Mr. Howell cautioned that if they opt for a year round license, they can't close for more than 30 days and they need to understand the obligation to service the license. The consensus was to petition for increasing the number of annual licenses.

B. Update on Town Hall vacancies

Mr. Clark reported that the Town Planner and Local Building Inspector have gone to Chatham and the plan is to advertise for the Town Planner position and try to recruit and there is concern about the pay being too low for the Local Building Inspector so he will bring forward a proposal to change that on December 11.

C. Budget Warrant Timeline

Mr. Clark reported that there will be a draft of potential warrant articles next week he will formally submit the Capital Plan.

D. Departmental weekly reports

Mr. Clark reported that the Board still needs to make appointments to the IMA Advisory Committee and Chatham's members include the Town Administrator and two residents.

ADJOURNMENT

Ms Brown moved to adjourn at 9:18 p.m. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary

Related Documents - December 4, 2017 BOS Meeting

- 01 Agenda.pdf
- 02 Proposed Zoning Amendment.pdf
- 03 Request to Waive Fees.pdf
- 04 Public Hearing - Disposal Area Fees.pdf
- 05 Annual Meeting - Planning.pdf
- 06 Annual Meeting - Board of Appeals.pdf
- 07 Annual Meeting - Board of Health.pdf
- 08 SAQ Landside Project - DPW costs.pdf
- 09 SAQ Septic Installation Contract.pdf
- 10 Request for Increase in Plow Rates.pdf
- 11 Community Center Fees for Those Charging Fees.pdf
- 12 Community Ctr Use Fees - Sept 6 2016 Minutes.pdf
- 13 Community Ctr Use Fees - Sept 12 2016 Minutes.pdf
- 14 Other Towns - Community Ctr Use Fees.pdf
- 15 Middle School Building Info - Sept 19 2016 Minutes.pdf
- 16 Middle School Interim Use - June 13, 2016 Minutes.pdf
- 17 Cultural Ctr Building Information.pdf
- 18 Cultural Ctr Application Package.pdf
- 19 Costs to Open Community Ctr Holidays and Sundays.pdf
- 20 Chatham Community Ctr - Open Sundays on Holidays.pdf
- 21 Policy - BOS Approval of Contracts.pdf
- 22 So. Harwich Meetinghouse User Agreement - Fees.pdf
- 23 So. Harwich Meetinghouse Lic Agreement.pdf
- 24 Open Meeting Law Complaints.pdf
- 25 Seasonal Liquor Licenses.pdf
- 26 Budget Warrant Timeline.pdf
- 27 Departmental Weekly Reports.pdf