

APPROVED

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, DECEMBER 5, 2016
6:30 P.M.**

SELECTMEN PRESENT: Brown, Hughes, Kavanagh, LaMantia

OTHERS PRESENT: Town Administrator Christopher Clark, Assistant Town Administrator Charleen Greenhalgh, Chief Clarke, Deputy Chief Tom Gagnon, Jeremy Gingras, David Ryer, Joan McCarty, Cynthia Eldredge, Wil Remillard, Robbin Kelley, Robert Insley, Roman Greer, Clem Smith, and others.

MEETING CALLED TO ORDER at 6:30 p.m. by Vice-Chairman Hughes.

WEEKLY BRIEFING

Fire Chief Clarke recognized Captain Parker who he noted was instrumental in saving a woman on Oak Street during a fire, Fire Fighter/Paramedic Shaun Piche for his actions during a medical call that became violent, Deputy Fire Chief LeBlanc who rescued a person from the second floor of an apartment building and Officer Robert Hadfield who assisted him. Chief Clarke then introduced Fire Fighter/Paramedic Brad Willis who described the Homeless for the Holidays program which raises awareness, funds, food and toys for the homeless. The Board thanked all for their efforts on behalf of the Town.

Deputy Police Chief Tom Gagnon introduced Charles Brooks who will be appointed as the Police Department as a full-time Emergency Telecommunications Dispatcher and described Mr. Brooks' background.

CONSENT AGENDA

- A. Minutes:
 - 1. November 14, 2016 Executive Session
 - 2. November 14, 2016 Regular Session
- B. Approve the recommendation of the Recreation and Youth Commission to award the contract for Brooks Park Phase 3 Improvements to Robert B. Our Co., Inc. for a total price of \$98,909
- C. Approve the recommendation of the Police Chief to appoint Charles Brooks as a full-time Emergency Telecommunications Dispatcher with the Harwich Police Department
- D. Approve the recommendation of the Town Administrator to approve the Eversource petitions to install underground conduit and hand holes to supply service to 61 Lovers Lane, 424A Pleasant Lake Avenue, 30 Pine Orchard Road, and 19 Park Place
- E. Accept the resignation of Andrew Gould as Finance Director/Town Accountant

Ms. Kavanagh moved approval of the Consent Agenda. Ms. Brown seconded the motion and the motion carried by a unanimous vote.

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

A. Annual Meetings with the Board of Selectmen

1. Zoning Board of Appeals

Dave Ryer, Chair, provided the annual report of the Zoning Board of Appeals.

2. Cemetery Commission

Cynthia Eldredge, Chair, provided the annual report of the Cemetery Commission. Ms. Kelley answered questions regarding costs of burial lots.

3. Board of Health

Robert Insley, Chair, provided the annual report of the Board of Health. He encouraged the Board to put a display ad in the newspaper for Committee vacancies.

4. Historic District/Historical Commission

Greg Winston, Chair, provided the annual report of the Historic District/Historical Commission. He said he is resigning as Chairman of the HDHC as of the January meeting and will be resigning from the HDHC at the discretion of the Board. He commented that he doesn't say this because he is angry or for any other reason except that he has come to the conclusion that as a private entrepreneur he can't accomplish anymore for the Town and he needs to start doing this for himself and therefore he is going to be taking an office in the village and doesn't want to be having any issues with conflict of interest so he is stepping down. Mr. Hughes thanked him for his service.

B. Public Hearing – Adoption of Noise By-Law Standard for Entertainment Licenses and Adoption of Uniform Hours of Entertainment – *continued from 11/14/16*

Vice-Chairman Hughes noted that this is a continuation of the hearing of November 14, 2016. Ms. Kavanagh read the hearing notice into record. Mr. Clark noted he met with representatives of the Police Department and business community and outlined his letter of recommendation of December 1, 2016 as follows:

Currently all Entertainment Licenses issued by the Board indicate that noise levels are not to exceed the licensed premises. I recommend that the Board vote to remove this language from the licenses therefore changing the standard that music within a dwelling should be contained within the building. Any music, inside or outside, should adopt the standard used in the Noise By-Law.

I recommend the following standard be included on all Entertainment Licenses:

A. Inside Entertainment – Sunday to Wednesday until 10:00 p.m. and Thursday to Saturday until 11:00 p.m. Start times per request of applicant. No entertainment at the

licensed premises may be conducted in a manner such that the noise from the entertainment is creating a nuisance and can be heard outside the boundaries of the premises.

B. Outside Entertainment – Every day until 10:00 p.m. Start times per request of applicant. The standard would be reasonable sound levels and which is plainly audible at a distance of 150 feet from any such building, boat, structure, vehicle, premises or sound amplification system.

Also amend the Liquor License Regulations Section 1.09 Subsection e to delete and replace with above.

Deputy Chief Gagnon stated that Chief Guillemette is recommending the language be “not plainly audible” in item B. Mr. Gingras said the meeting was very beneficial and they all came to agreement on the 150 foot standard. The Board discussed the recommended parameters with Mr. Gingras and they had extensive discussion on amplification, hours, distance, boundaries, and the Noise By-Law. Deputy Chief Gagnon suggested asking Town Counsel if they have had this issue in other communities and how it was dealt with. Mr. Clark stated that Kopelman & Paige’s input is reflected in the recommendation in that noise should be confined to the premises and we should be using the Noise By-Law. He stressed that law enforcement and the business community are in agreement with this recommendation. Ms. Brown objected to having different hours for different days as she did not think it was good for business as in the summer every day is the same. Mr. LaMantia said he didn’t care about noise inside the building as it doesn’t bother others and Ms. Brown agreed stating that perhaps that should be left up to the business owner. Deputy Chief Gagnon took questions regarding the Noise By-Law. Discussion revolved around inside entertainment ending time being ½ hour to 1 hour prior to liquor serving cessation and 150 feet from the premises or source of the noise. Mr. Clark stressed that this should just be addressing the Route 28 Harwich Port corridor. Mr. LaMantia suggested that Mr. Clark take another pass at writing this up. Cliff Connell, co-owner of The Claddagh, said he supports the outside limit until 10:00 p.m. but they have a business that operates through 12:00 a.m. and if we were to back up from that they would be losing business. Bob Nickerson, said 10:00 and 150 feet is fair. The Board agreed with 150 feet or the boundary whichever is greater, as well as to have a public hearing on the change on the liquor regulations.

Ms. Kavanagh moved to continue the hearing on adopting a Noise By-Law standard for entertainment licenses/adopting uniform hours of entertainment to December 12th. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

NEW BUSINESS

A. Historic District/Historical Commission membership – potential Charter amendment

After discussion, Mr. Clark agreed to bring back the statutory requirements. No action was taken.

B. Golf Fees and Rates for 2017

Roman Greer and Clem Smith outlined recommended fees which they noted were vetted and unanimously voted by the Golf Committee. Mr. LaMantia moved that the rates for Golf changes

for 2017 be approved as presented. Ms. Kavanagh seconded the motion and the motion carried by a unanimous vote.

TOWN ADMINISTRATOR'S REPORT

A. Monthly Revenue and Expenditure Reports

Mr. Clark outlined the structure of the monthly revenue and expenditure reports that MUNIS generates. He took questions and comments from the Board.

B. Memorandum of Understanding for Solar Revenue

Mr. Clark stated that as per the Board's request, he made additional revisions to the MOU and wanted to make sure the Board was comfortable with them. He noted that he will be sending this to the Water Commissioners in the next day or two and asked that the Board send him any feedback they may have.

Mr. Clark reported that we have received a LAND grant award for \$400,000 allocated for the acquisition of the Marini property.

Mr. Clark reported that the Superintendent of Schools is working on the updating of the regional agreement.

Mr. Clark reported that the Finance Director has submitted his letter of resignation and that he is now working on hiring an interim replacement.

ADJOURNMENT

Mr. Hughes adjourned the meeting at 9:09 p.m.

Respectfully submitted,

Ann Steidel
Recording Secretary

Related Documents - 12/5/16 BOS Minutes

- 01 Agenda.pdf
- 02 Minutes Nov 14.pdf
- 03 Brooks Park Phase 3 Approval.pdf
- 04 Police Dept Appointment.pdf
- 05 Utility Hearings.pdf
- 06 Finance Director resignation.pdf
- 07 Annual Rpt Memo.pdf
- 08 ZBA Annual Rpt.pdf
- 09 Public Hearing - Entertainment Lic continued.pdf
- 10 Golf Rates - Fees.pdf
- 11 TA Report - Revenues.pdf
- 12 TA Report - Expenditures.pdf
- 13 Draft MOU - Solar Revenue.pdf
- 14 Budget Warrant Timeline update.pdf