

APPROVED

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, JANUARY 22, 2018
6:30 P.M.**

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

OTHERS PRESENT: Town Administrator Christopher Clark, Eric Beebe, Carolyn Carey, Carole Ridley, Brian Dudley, Matt Hart, Sharon Pflieger, Cyndi Williams, Jeff Gomes, Karin Larson, Erica Strezpek, Ed McManus, and others.

WEEKLY BRIEFING

- A. Update on Watershed Permit Pilot Project and Pleasant Bay Resource Management Plan Update and Memorandum of Agreement – *Carole Ridley*

Ms. Ridley of the Pleasant Bay Alliance, explained that the objective of the Watershed Permit Pilot Project is to develop a draft permit and associated documentation to present to each member town for review and the work includes a targeted Watershed Management Plan, a Watershed Permit, and IMA to obtain the permit. She discussed timing of warrant articles for Town Meeting to adopt an update of the Pleasant Bay Resources Management Plan and authorize the Board to extend the Memorandum of Agreement (MOA) which is set to expire on December 31, 2018. She stated that there are changes proposed to the MOA which are principally to enhance the efficiency of the Steering Committee and to extend the term of the Alliance to correspond with a potential 20-year watershed permit. The Board was in agreement with the 20-year term extension. It was also agreed that Town Counsel should review the proposed articles. Chairman MacAskill asked Mr. Clark to get a memo from Town Counsel indicating that he has reviewed the Memorandum of Agreement and he is fine with it.

PUBLIC COMMENTS/ANNOUNCEMENTS

Mr. Hart, of the Harwich Accessibility Rights Committee, noted that ADA requires that we update our Town self-evaluation every couple of years and it has been 25 years. He noted that we applied for a grant to hire a certified consultant to conduct the evaluation.

Ms. Williams discussed recent events hosted by the Chamber of Commerce.

CONSENT AGENDA

- A. Approve Minutes – January 8, 2018 Regular Session
- B. Confirm appointment of Kathleen Tenaglia as Senior Health Agent as recommended
- C. Approve petition by Eversource Energy to install conduit and handhole to provide electric service to 188 Sisson Road
- D. Set seasonal population at 30,500 for Alcoholic Beverages Control Commission
- E. Designate Jack Burns as primary Animal Control Officer and Robert Hadfield as Assistant Animal Control Officer for 2018 and authorize Chair to sign designation form
- F. Approve request by Harwich Cranberry Festival for One-Day Wine & Malt License for event at Harwich Cultural Center on March 10, 2018
- G. Authorize Town Administrator to act as signatory for Municipal ADA Improvement Grant

Mr. Ballantine moved approval of the Consent Agenda Items A-E and G. Mr. Howell seconded the motion and the motion carried by a unanimous vote. Mr. Ballantine moved approval of Item F. Ms. Brown seconded the motion. Mr. Howell stressed that one-day liquor license applications should be advertised in the newspaper and be a separate agenda item as a matter of process. Chairman MacAskill asked that Mr. Howell write that up as a request for an agenda item and send it to him.

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

A. Public Hearing – Beach Sticker Fees

Mr. Ballantine read the hearing notice and Chairman MacAskill opened the hearing. Mr. Beebe proposed a \$5 increase in resident beach stickers from \$25 to \$30 which would bring in an estimated \$35,000 to \$40,000 in additional revenue each summer to offset the additional expense for an increase in seasonal staff pay. There was no input from the public. Mr. Ballantine moved to close the public hearing. Ms. Brown seconded the motion and the motion carried by a unanimous vote. Mr. Howell pointed out that when you have to provide restrooms, groom the beaches, take out trash and provide lifeguards and other staff, this doesn't come anywhere near what it costs the Town. Ms. Kavanagh said our pay needs to be competitive with other towns and Mr. Ballantine commented that it is one of the best deals in Town. Chairman MacAskill said he thinks our tax rate should cover this and we are certainly going to keep our beaches clean. Ms. Kavanagh moved to increase the beach sticker fee by \$5 to \$30 for residents. Ms. Brown seconded the motion and the motion carried by a 4-1-0 vote with Chairman MacAskill in opposition.

B. Public Hearing – Harwich Cultural Center Fees

Mr. Ballantine read the hearing notice and Chairman MacAskill opened the hearing. Ms. Carey outlined the proposal (see attached). Mr. McManus asked if there would be a fee increase for the auditorium and Ms. Carey responded that it is proposed to go from \$60 to \$100. Mr. McManus said he fully supports the increase for the auditorium and it is by far the greatest deal around and is underpriced. Mr. Jessie Marsolais of Marsolais Press thanked the Board for making the space available for his workshop. Ms. Williams also thanked the Board for making the building available. Mr. Ballantine moved to close the hearing. Ms. Brown seconded the motion and the motion carried by a unanimous vote. Ms. Kavanagh said she thinks the fees are very reasonable. Mr. Ballantine said the building has been well received but he would like to hold his comments until we get expense data on the building. Mr. Howell said it is an appropriate increase and gives everyone an opportunity to understand what's happening there and how it might be more fully used by the public. He said he is pretty confident that we will be able to make ends meet and make this make sense as we move ahead. Ms. Brown said she is agreeable to the fee increases but had questions about some of the fees that weren't being increased. She discussed her concerns about rental of art rooms for \$15 and the \$5 per student per session fee and stated that this is too expensive. She questioned if they should get rid of the 3 month term option and Ms. Carey said they can look at that. Ms. Carey said the effective date for the fees would be immediately after the Board vote with the exception of the 6 month grace period for people already currently in there. Mr. Clark stated that the experiment has gone well and cautioned the Board that not a lot of people want to commit when there is only a year and a half left and recommended that the Board extend that and start to consider costs for maintaining the building. Chairman MacAskill asked Ms. Brown to write up her concerns and bring back what she would like to see. Mr. Ballantine stressed the need to have all the costs for Town Meeting. Mr. Howell pointed out that if we did go to housing use for the building, we wouldn't be getting property taxes. Ms. Brown suggested making the courtyard fee \$50 to be in line with Brooks Park and Mr. McManus pointed out that use of Brooks Park is \$150. Mr. Howell moved to accept the schedule of fees as presented by

Carolyn. Ms. Kavanagh seconded the motion. Ms. Brown moved to amend the motion to be proposed increase in main classroom fees, activity wing fees, shop fees, administrative suite fees and courtyard fees only. Mr. Ballantine seconded the motion for discussion. Ms. Brown said she did not want to vote on the classroom fee yet which is part of the brochure that was included in the packet. Ms. Kavanagh questioned if they should hold the whole thing. Mr. Clark stated that we need a rate structure we can advertise and if something isn't working Ms. Carey will bring it back. He recommended voting what was proposed. Ms. Brown's amendment to the main motion failed on a 1-4-0 vote with Chairman MacAskill, Ms. Kavanagh, Mr. Ballantine and Mr. Howell in opposition. The main motion passed by a 4-1-0 vote with Ms. Brown in opposition.

NEW BUSINESS

A. Special Town Meeting timeline

Mr. Clark stated that Attorney Giorgio had advised the Board on the marijuana issue at a previous meeting and had cautioned that there is a window of time between April 1 and May 7 that someone could submit an application to the Cannabis Control Commission and if the Board wants to make sure the window wasn't open, the Board has been provided with a timeline for holding a Special Town Meeting. Mr. Howell pointed out that once a Special Town Meeting is opened it could be populated by more than one article and it would be cumbersome if it were to become like a mini Town Meeting. Mr. Howell stated that he got the inclination while at the MMA that there is a real potential for exposure during this window. He noted that this is set up so that the applications go to the State Cannabis Control Commission and the Board is not the licensing authority as with liquor licenses. He stated we might want to do this. Ms. Brown said we should go for it but it is going to be a lot of work to hold two Town Meetings. Mr. Ballantine said he heard a comment at MMA that even before they apply, they need approval of the host community so we have some resistance that wasn't there a couple of weeks ago which may make us rethink how important this is. He said he would like to get more clarification on this as to exactly what our powers are. Chairman MacAskill asked that Mr. Ballantine send an email to Mr. Clark with a copy to him with his questions. Mr. Howell said they need to know if there has to be Town Meeting approval and it was clear they wanted to know the opinion of the host community but after that it was unclear as to what that means. He said the gamble is what if you're wrong. Ms. Kavanagh said she is fearful that something would slip through. She said it is added work but she doesn't want to end up with a situation that we don't want in Town. Mr. McManus said there is a requirement that the applicant has to hold an advertised public meeting to explain what his proposal is and take comments which becomes part of the initial application. Chairman MacAskill said we have gone through all the motions, Town Meeting said they didn't want it, we set a moratorium in place, we have a by-law that we've advertised to go to Town Meeting in May and an extra Town Meeting would be at great expense to the Town and it seems that we've done everything. He said it seems we are all set to litigate if somebody did apply. Mr. Clark said he thinks we have limited time and he can ask Attorney Giorgio about the public meeting requirement and the host community opinion. He added that if they have to get the Board's approval for an application that is pretty good protection and then we could just go with the Annual Town Meeting.

OLD BUSINESS

A. Harbor discussion on parking, traffic and public/private lease

Mr. Clark stated that he has been given the positive news from the Harbormaster that we have been preliminarily approved for the Seaport Grant of \$1,000,000 and that is a significantly relevant piece of information for this discussion. He said we did also hear that we were not eligible for the two ADA

grants because our ADA plan is not up to date. He noted that as a general rule, any grant that gets awarded you can't spend money until after the grant has been awarded. He explained that we've already awarded the contract for the construction so if we want to pursue the snack shack which was designed and was part of the bid process, we could rebid that piece. He said the septic was approved only for the Harbormaster's office and if we wanted to do a change order to expand that we can, and we haven't funded yet the part of the project to do the parking at the Downey property. He stated that the snack shack was about \$400,000, the parking about \$100,000, and the septic about \$50,000 to \$70,000. He also noted that they had decided to put gravel in as opposed to boardwalk. Chairman MacAskill disagreed that the grant has anything to do with tonight's conversation which is about parking, traffic and public/private lease and the only thing approved by Town Meeting last year was \$3,000,000 to do the harbor project. He said they also discussed at several meetings that any grants that were received were to offset the project costs. He said this is on the agenda as they hadn't given Mr. Clark clear direction how to proceed. He said we should first determine if we have enough parking spaces to do any of what is being talked about. He reported that they got a memo from the Town Planner which clearly shows we don't have enough parking spaces to build a restaurant. Mr. Clark said he would like to have time to explore these three concepts to get some sense for traffic concerns, as well as what role MassDOT plays in that, and to get some examples of public/private leases. He said that any RFP would have to have the form of the lease as part of it. Mr. Ballantine said we first need to have a firm idea of what the assessed value of that property would be and we don't want to be accused of giving a break to a private company. Ms. Kavanagh said she would like a better understanding of what our parking capacity is and to address MassDOT issues. She added that we need specific information on how we are willing to structure a commercial lease and what we would be looking for including rent and percentage of profit. Ms. Brown said the parking is a big deal and she is a proponent for having a restaurant there with a public/private lease but wants to know how we could do it. She said what really needs to happen is a little bit more research and to put the RFP on hold. She said it makes sense to her to do what they planned with the harbor, let it operate for a year and then revisit this. Mr. Howell said he would like to ask the Town Administrator to have the Town Planner clarify the parking inventory. He noted that Outer Cape Health Services has to have adequate parking on paper and it doesn't necessarily mean they are going to use the spaces. He said he believes they are going to have to utilize part of that inventory to make their site plan work and he would like the Town Planner to clarify the impact. The Board agreed that clarifying the parking should be looked at first followed by the traffic. Mr. Ballantine said they don't want to rush this.

Kenneth Brayton, resident and employee of Brax Landing, spoke in support of Brax Landing and their support of the community and said it was disheartening that they would think to put a restaurant next to Brax who does so much for so many.

Karin Larson, resident of Neel Road, said coming from the west downhill there is a 40 mph sign and a few yards beyond that it shows pedestrians can cross. She said that reduced speed should be drastically taken into account.

Herb Bell, Harwich resident, said there are 37 restaurants in Harwich and they struggle to maintain balance between seasons and the Board should consider the impact of another seasonal restaurant.

Matthew Coleman, who does business in Harwich, said the restaurant business is high risk, and compounded with congestion from industries already there, a restaurant in that location logically doesn't make sense.

Bud Dey, resident, said he was speaking in support of his fellow Mason and Brax Landing owner, Jeff Gomes. He advocated for green space and said the view shouldn't be blocked from the street.

Bill Benoit, employee of Brax Landing, spoke against a restaurant at that location and in support of Brax Landing.

B. CPC article discussion

Ms. Kavanagh gave an overview of the discussion at the last CPC meeting on January 11 and stressed the need for the Board to take a stand on housing and ask that CPC adjust their view on this topic. She added that she hopes that CPC will go back and read the memo on the importance of taking the Judah Eldredge property by eminent domain.

Mr. Howell moved that we resolve that the highest priority for us is to consider funding for Judah Eldredge and the Housing Trust and we should put that forward before they take their vote. Ms. Kavanagh seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine stressed that the CWMP obligates us to the state to clean up our harbors and freshwater ponds and the Hinckley Pond project can be funded through a tax override or through CPC dollars either under the open space or recreation category and he would much rather use CPC funds for that. He moved that that be one of our priorities. Ms. Kavanagh seconded the motion and the motion carried by a unanimous vote.

Ms. Hewitt said there is some basic misunderstanding of the Library project by the CPC noting that it is a textbook case of historic preservation and she reviewed the recommended treatment to the building.

Ms. Kavanagh moved that we strongly support the historic preservation of Brooks Free Library exterior. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

TOWN ADMINISTRATOR'S REPORT

A. Department Weekly Reports

There was no discussion on this item.

Mr. Clark reported on the recent MMA meeting.

SELECTMEN'S REPORT

The Board discussed the workshops and seminars they attended at the recent MMA meeting.

ADJOURNMENT

Ms. Brown moved to adjourn at 8:48 p.m. Ms. Kavanagh seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary

Current Monthly Income

28 Rooms	\$300. per month	total \$8,400.
Shop	\$600. per month	total \$600.
Main Wing (Feb. start)	\$500. Per month	<u>total \$500.</u>
		Monthly Total \$9,500.

Proposed Monthly Income*

28 Rooms		
15 Single Occupancy at \$300. ea		total \$4,500.
11 Double Occupancy at 200. ea		total \$4,400.
2 Triple Occupancy at 150. ea		total \$900.
Shop		total \$750.
Main Wing		<u>total \$500.</u>
		Monthly Total \$11,050.

Potential monthly increase \$1,550.
Potential yearly increase \$18,600.

*These numbers are based on current room rentals

Related Documents - January 22, 2018 BOS Meeting

- 01 Agenda.pdf
- 02 Watershed Permit Pilot Project.pdf
- 03 Minutes - January 8, 2018.pdf
- 04 Health Agent Appointment.pdf
- 05 Utility Petition.pdf
- 06 Seasonal Population.pdf
- 07 Animal Control Officers.pdf
- 08 One Day License.pdf
- 09 Signatory ADA Grant.pdf
- 10 Beach Sticker Fees.pdf
- 11 Cultural Center Fees.pdf
- 12 STM Timeline.pdf
- 13 Weekly Reports.pdf