

APPROVED

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, JANUARY 23, 2017
6:30 P.M.**

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

OTHERS PRESENT: Town Administrator Christopher Clark, Chris Joyce, Don Howell, Richard Waystack, Anita Doucette, Peter DeBakker, Sharon Pflieger, and others.

MEETING CALLED TO ORDER at 6:30 p.m. by Chairman MacAskill.

Chairman MacAskill called for a moment of silence on the passing of former Selectman, Planning Board member and Library Trustee, Robert Widegren.

WEEKLY BRIEFING

Chris Joyce announced the upcoming volunteer recruitment event at the Community Center on January 28, 2017.

CONSENT AGENDA

- A. Minutes:
 - 1. January 9, 2017 Executive Session
 - 2. January 9, 2017 Regular Session
- B. Approve petition by Eversource to install underground conduit to supply service to 6 Camp Avenue as recommended by Town Administrator
- C. Approve "Report of the Board of Selectmen" for 2016 Annual Town Report book
- D. Appoint Joseph Powers as full member of Historic District/Historic Commission from alternate position
- E. Appoint Mead, Talerman & Costa, LLC as Special Counsel to the Town for zoning, land use, planning and real estate law matters

Ms. Kavanagh moved approval of the Consent Agenda. Ms. Brown seconded the motion. Mr. LaMantia requested that within the next couple of months we lay out what the costs are going to be for the Middle School and what fees we are generating. The motion carried by a unanimous vote.

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

- A. Public Hearing – Application for transfer of stock from Arthur J. & Christina A. Luke to Luke Beverage Inc.

Ms. Kavanagh read the hearing notice into record. Attorney Glenn Alberich, representing the applicant, explained that A.J. and Tina Luke are 50/50 owners of 4 corporations, each of which owns a package store, one of which is in Harwich. He stated that they have been advised that they have grown enough that they should consider a reorganization which is what they are doing. He noted that Luke Beverage Inc. is the new corporation which is being set up and is serving as a parent corporation and each of the individual store owning operations are being merged into Luke Beverage Inc. by a transfer

each of the individual store owning operations are being merged into Luke Beverage Inc. by a transfer of stock between the individual corporations, which they own solely, and the new parent corporation which they own solely as well. He explained that this is being done for organizational purposes, efficiency, economics, and to some extent for estate planning and for tax reasons. He noted that it has been a good organization with no violations. Mr. Clark said everything appears to be straightforward and recommended approval. Mr. Hughes moved to close the hearing. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote. Mr. Hughes moved that we grant the request for the transfer of stock for A.J. Luke. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

OLD BUSINESS

A. Saquatucket Water-Side Project

Mr. Clark stated that they were asked at the last meeting to put together a letter which Mr. Rendon has since prepared. He noted that he received an email today from the Army Corps acknowledging receipt of the letter of support from the state and indicating that they are progressing and that the process would take months or longer if there are a lot of comments during comment period. He further noted receipt of a letter of support from the Fishermens Alliance. Mr. Rendon stated that he had questioned if the navigational review could be done in conjunction with the environmental dredge permit review but it is contingent upon the results of the dredge. He expressed concern that if we have to wait 2-3 months before we get to the public comment for the navigational review it may get too late and we might miss the window to do this during next off season. Mr. LaMantia said he has spoken to Representative Peake about this and she is very much in support of sending a letter. He suggested putting a note on her letter reinforcing the timeliness. Mr. Clark said he would meet with Mr. Rendon to see if there is any additional material we can provide. Mr. Hughes moved to approve the letters to send to representatives regarding the water-side of Saquatucket Harbor moving the project forward and authorize the Chair to sign. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote. Mr. Hughes suggested sending a letter to someone higher up at the Corps.

B. Action Item Register

Chairman MacAskill commented that a lot of the items are now marked "Status Complete." He noted that this item is informational only so the Board knows they can continue to work on the things they had put in. Mr. Hughes suggested putting this on a future agenda so each Selectman can go over progress on what they were assigned to do.

NEW BUSINESS

A. By-Law Charter Review Committee potential charter changes

Mr. Howell reviewed the individual proposed Charter changes as follows:

To see if the Town will vote to propose the following amendments to the Harwich Home Rule Charter, to be approved by the voters at the next annual Town election as follows (Deletions shown in strike through and new text shown as underlined):

1. Amend Chapter 3 subsection 3-7-3, Prohibitions, as follows:

Members of the board of selectmen shall be eligible to serve, to the extent permitted by law, as ex officio members of as liaisons to appointed and elected town agencies. A liaison for any elected town agency or committee shall be appointed by a majority vote of the entire board of selectmen and shall be for the sole purpose of efficient communication between the board of selectmen and the affected appointed and/or elected town agency.

2. Amend Chapter 3 subsection 3-6-1, Powers of Appointment, as follows:

3-6-1 Except as may otherwise be provided by General Laws, this charter, or the personnel by-law, the board of selectmen shall have the power to appoint and remove: a) a town administrator as provided in chapter 4; b) a town counsel; c) a town accountant a finance director; d) a police chief; e) a fire chief; f) 3 assessors for overlapping 3-year terms; g) 3 members of a board of registrars of voters for overlapping 3-year terms; h) election officers; and i) 1 or more constables.

3. Amend Chapter 7 subsection 7-1-2, Advertising of Vacancies and Appointing Town Agencies, as follows:

7-1-2 To further promote a maximum level of qualified, active, and interested citizen participation on appointed town agencies, the board of selectmen shall advertise all vacancies and impending appointments. This advertising shall enumerate the vacancies that are to be filled and shall solicit the submission of a citizen activity record form from persons willing and able to serve. The advertisements shall be posted in a manner consistent with open meeting law postings (including on the Town's web site) and may be published in a newspaper of general circulation in the town. and shall be made once a week for a minimum of two weeks after the vacancy arises Vacancies shall remain posted/advertised a minimum of two weeks prior to an appointment by the board of selectmen.

There was discussion about keeping the website up to date particularly the committee information including terms and he noted that there isn't a point person for this. Ms. Goodwin noted that we do not have a dedicated webmaster and are doing the best we can. Mr. LaMantia asked Mr. Clark to check into who is responsible for this. Ms. Brown questioned if we need to hire a webmaster or is it part of IT. Mr. Clark stated that we aren't going to be able to add anyone for this year's budget. He encouraged anyone who sees an issue to contact us so we can make the necessary changes. He said we will try to have departments keep up with their own changes. Ms. Goodwin noted that her department has continuously offered training to all Boards and Committees multiple times. She noted that some Boards and Departments are doing it. Mr. LaMantia recommended that the Interview and Appointments take on the responsibility of making sure this goes forward.

4. Amend Chapter 7 subsection 7-2-2, General Provisions, as follows:

7-2-2 All town agencies of the town shall; a) organize annually at the first meeting after the beginning of the town's fiscal year (July 1 - June 30); b) elect necessary officers a chair, a vice-chair and a clerk; c) adopt rules of procedure and voting; d) maintain minutes and records of attendance, copies of which shall be a public record and regularly filed with the town clerk; and e) nominate prospective employees of their choice, who shall be considered for appointment by the town administrator, as provided in clause 4-4-2.

5. Amend Chapter 7 subsection 7-4-1, Board of Health, as follows:

7-4-1 A board of health of 5 members shall be appointed in such numbers as outlined in chapter 7, Article III, Boards and Committees, of the Town's by-laws by the board of selectmen for 3-year overlapping terms. One member, at least, shall be a doctor of medicine, or a person with significant experience in public health.

6. Amend Chapter 7 subsection 7-5-1, Planning Board, as follows:

7-5-1 A planning board of 9 members and 2 alternate members shall be appointed in such numbers as outlined in chapter 7, Article III, Boards and Committees, of the Town's by-laws by the board of selectmen for 3-year overlapping terms.

With regard to the balance of the items, Mr. Howell explained that they are deleting any reference to committee membership and want to place it in the by-laws. He stated that he anticipates 5 or 6 new subsections to be added for committees that exist that aren't currently referenced in the Charter. Mr. Clark commented that the approach is a good one to provide flexibility particularly if committees are having problems with membership as it is easier to change the By-Laws than the Charter. Ms. Brown and Mr. LaMantia questioned why the Housing Committee isn't in the Charter. Mr. Clark said the point is if its already in the Charter then you want to change it, if it doesn't exist in the Charter then you want to put it in the By-Law. Mr. Howell agreed and stated that it is a lot harder if we want to take something out or consolidate something. Ms. Brown questioned why these aren't just coming out. Mr. Howell stated that these committees were in the Charter since 1989 and they are the founding committees. Ms. Brown said she preferred to take them all out and refer to them all in the By-Law. Mr. LaMantia agreed but said if we don't do that we have to put something in the Charter that states that if you want more information about committees then you should look in the By-Laws. Mr. Howell agreed and offered language as such. Mr. Hughes said those committees already in should stay in as they are fundamentals of the Charter. Ms. Kavanagh stated that if that was the foundation of the Charter she sees the need to adhere to that. Chairman MacAskill said he is leaning toward leaving the fundamentals in and not change the Charter as it was written.

7. Amend Chapter 7 subsection 7-6-1, Board of Assessors, as follows:

7-6-1 A board of assessors of 3 members shall be appointed in such numbers as outlined in chapter 7, Article III, Boards and Committees, of the Town's by-laws by the board of selectmen for 3-year overlapping terms. One member, at least, shall be professionally qualified for the duties of the office.

8. Amend Chapter 7 subsection 7-7-1, Conservation Commission, as follows:

7-7-1 A conservation commission of 7 members and 2 alternate members shall be appointed in such numbers as outlined in chapter 7, Article III, Boards and Committees, of the Town's by-laws by the board of selectmen for 3-year overlapping terms.

9. Amend Chapter 7 subsection 7-8-1, Council on Aging, as follows:

7-8-1 A council on aging of 9 members shall be appointed in such numbers as outlined in chapter 7, Article III, Boards and Committees, of the Town's by-laws by the board of selectmen for 3-year overlapping terms.

10. Amend Chapter 7 subsection 7-9-1, Historic District and Historical Commission, as follows:

7-8-1 A historic district and historical commission shall be appointed by the Board of Selectmen in accordance with the provisions of this charter and the General Laws as outlined in Article V of the By-laws in such numbers as outlined in chapter 7, Article III, Boards and Committees, of the Town's by-laws by the board of selectmen for 3-year overlapping terms.

11. Amend Chapter 7 subsection 7-10-1, Recreation and Youth Commission, as follows:

7-10-1 A recreation and youth commission of 7 members shall be appointed in such numbers as outlined in chapter 7, Article III, Boards and Committees, of the Town's by-laws by the board of selectmen for 3-year overlapping terms.

12. Amend Chapter 7 subsection 7-11-1, Cultural Council, as follows:

A cultural council of 5 members shall be appointed in such numbers as outlined in chapter 7, Article III, Boards and Committees, of the Town's by-laws by the board of selectmen for 3-year overlapping terms in accordance with the General Laws of the Commonwealth of Massachusetts. Members shall not be eligible to serve more than 2 consecutive terms.

13. Amend Chapter 7 subsection 7-12-1, Zoning Board of Appeals, as follows:

A zoning board of appeals of 5 members and 5 associate members shall be appointed in such numbers as outlined in chapter 7, Article III, Boards and Committees, of the Town's by-laws by the board of selectmen for 3-year overlapping terms.

14. Amend Chapter 7 section 7-13, Golf Committee, as follows:

7-13-1 A golf committee of 7 members shall be appointed in such numbers as outlined in chapter 7, Article III, Boards and Committees, of the Town's by-laws by the board of selectmen for 3-year overlapping terms.

7-13-2 The committee shall have full power and responsibility for recommend governing policies relating to the maintenance and operation of the municipal golf course for consideration by the board of selectmen.

Mr. Howell stated that in 2005 the Golf Commission became the Golf Committee. He noted that this section of the Charter currently gives the Committee full power and responsibility for the maintenance and operation of the course and the By-Law Charter Review Committee believes that Golf Committee should make recommendations to the Board of Selectmen for rules of operation as the Waterways Committee does. He added that the employees already have a direct report. The Board was in agreement with Mr. Howell's recommendation and Mr. Hughes stated that the text should be changed from "maintenance and operation" to "operation and maintenance."

15. Amend Chapter 7 subsection 7-14-1, Waterways committee, as follows:

7-14-1 waterways committee of 7 members and 2 alternate members shall be appointed in such numbers as outlined in chapter 7, Article III, Boards and Committees, of the Town's by-laws by the board of selectmen for 3-year overlapping terms and shall be advisory to that board.

16. Amend Chapter 7 subsection 7-15-1, Cemetery Commission, as follows:

A cemetery commission of 3 members shall be appointed in such numbers as outlined in chapter 7, Article III, Boards and Committees, of the Town's by-laws by the board of selectmen for 3-year overlapping terms.

17. Amend Chapter 7 subsection 7-16-1, By-law/Charter Review Committee, as follows:

A by-law/Charter Review Committee of 5 members shall be appointed in such numbers as outlined in chapter 7, Article III, Boards and Committees, of the Town's by-laws by the board of selectmen for 3-year overlapping terms. The committee shall regularly review the by-laws of the town and submit proposed revisions to the town meeting at least once every 5 years. In addition, the committee shall regularly review the charter and submit proposed amendments to it to the board of selectmen under section 2 of chapter 10 of this charter.

Chairman MacAskill asked Mr. Clark if we want to keep the position title of Finance Director/Town Accountant or change to Finance Director. Mr. Clark stated that Finance Director is more commonplace and the duties would include those that are statutory of the Town Accountant and the Board agreed.

Mr. Howell said he would make the summary comment to direct people to the By-Laws and will create language so the By-Laws incorporate all the committees. Chairman MacAskill questioned if we want to give Mr. Howell consensus on these items. Mr. Hughes said yes, Ms. Brown said it is fine the way it is as did Ms. Kavanagh and Mr. LaMantia.

B. First review of Wastewater Educational Brochure

Mr. DeBakker outlined the wastewater educational handbook and took comments from the Board. Mr. Hughes described the process of the development of the book. He suggested changes with regard to pond remediation being consistent with funding, number of households affected, making the picture of the facility larger, and inclusion of the flow diagram. He also made suggestions for handouts at Town Meeting. Ms. Pflieger reported that one of the handouts will be on financing and asked if we can ask Mr. Young to put in information about the Conservation Law Foundation as well as the "what if" we don't this. She recommended that it be in all the related printed material and asked the Board to weigh in. Mr. LaMantia and Chairman MacAskill were in agreement. Mr. Hughes recommended adding language about the Conservation Law Foundation to question 9 and to move that question up. The Board agreed to add that language and were in agreement with the suggested revisions made by Mr. Hughes and Ms. Pflieger.

TOWN ADMINISTRATOR'S REPORT

Mr. Clark reported that several of them attended the Massachusetts Municipal Law Update at the MMA meeting where there was a discussion about having a local law option on marijuana. He noted that the town of Bridgewater got a moratorium so they have a delay in their community.

Mr. Clark noted that he will be discussing with K-P Law their name change and whether we need to vote this as we are on record as having Kopelman & Paige as our Town Counsel.

Mr. Clark further reported that Monomoy Regional School District is coming in next week to do their preliminary budget and the Cape Cod Tech is ready to do a presentation on their school building project.

SELECTMEN'S REPORT

- A. Harwich Town Committee Volunteer Recruitment Fair – January 28th from 10:00 a.m. to noon at Community Center

Chairman MacAskill announced the upcoming Volunteer Recruitment Fair.

- B. Committee Vacancy List

Ms. Brown read the committee vacancy list into record.

Mr. LaMantia said he would like to do something with the marijuana local law option and Chairman MacAskill said he would bring it forward on an agenda. Mr. Hughes asked that the vote be included in the packet.

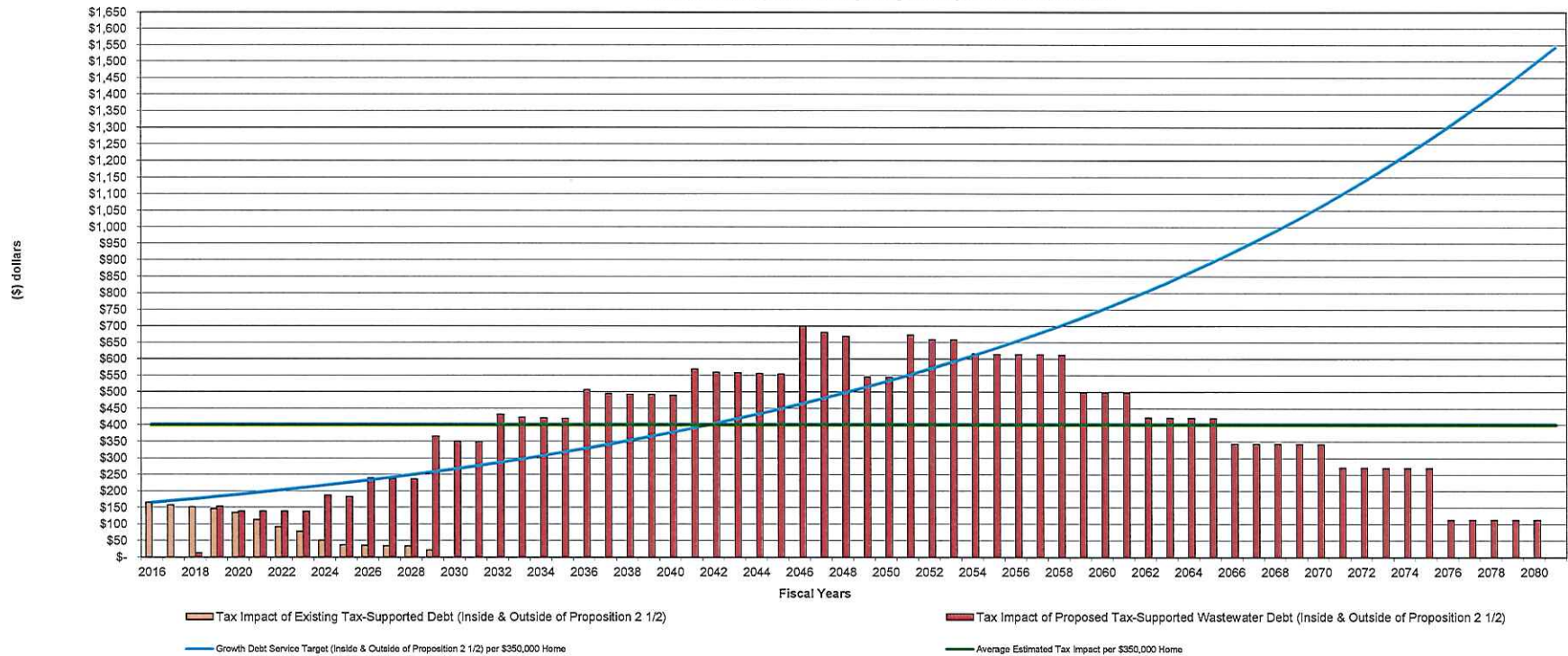
ADJOURNMENT

Chairman MacAskill adjourned the meeting at 7:50 p.m.

Respectfully submitted,

Ann Steidel
Recording Secretary

Town of Harwich, Massachusetts
 Existing and Proposed Tax-Supported Debt Service* (i.e. Excludes Self-Supporting Debt)
 Inside & Outside of Proposition 2 1/2:
 Estimated Tax Impact on Average Single Family Home - \$350,000 value



*Assumes estimated interest rates and fees; preliminary and subject to change.

Related Documents - January 23, 2017 BOS Meeting

- 01 Agenda.pdf
- 02 Minutes 1-9-17.pdf
- 03 Utility Hearing.pdf
- 04 Report of BOS for Town Report.pdf
- 05 Appointment of Special Counsel.pdf
- 05 Committee Appt to HDHC.pdf
- 06 Liquor License Stock Transfer.pdf
- 07 Liquor License Stock Transfer Atty Letter.pdf
- 08 Saquatucket Harbor.pdf
- 09 Action Item Register.pdf
- 10 Potential Charter Changes.pdf
- 11 Wastewater Educational Brochure.pdf
- 12 Volunteer Fair.pdf
- 13 Committee Vacancy List.pdf