

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, JULY 9, 2018
6:30 P.M.**

APPROVED

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

OTHERS PRESENT: Town Administrator Christopher Clark, Assistant Town Administrator Evan Melillo, Chief Clarke, Chief Guillemette, Carolyn Carey, Cyndi Williams, Richard Waystack, and others.

Chairman Kavanagh reported that the Board had just come out of Executive Session where they approved the order of taking for 4 Central Avenue.

WEEKLY BRIEFING

Chief Clarke thanked the Town of Dennis and their Fire Chief who let us use one of their ambulances while two of ours were out of commission.

PUBLIC COMMENTS/ANNOUNCEMENTS

Bob Cohn of 29 Pleasant Street spoke on behalf of the neighbors noting that they had just sent in a letter requesting that the Schoolhouse parking lot expansion project be put on hold and asked that the matter be placed on an agenda as soon as possible. Rosemary O'Neill discussed concerns on recently added parking in the area of The Anchorage and related safety concerns including the ability for emergency vehicles to access the area. Marilyn MacElaney, President of The Anchorage Board of Directors reiterated these concerns and stressed that it is a road not a parking lot. Les Parmalee of 15 Pleasant Street said the parking in the middle of Schoolhouse parking lot has created a serious hazardous for the residents which obstructs access in and out of the lot.

CONSENT AGENDA

- A. Approve Minutes:
 - 1. June 4, 2018 Regular Session
 - 2. June 11, 2018 Regular Session
- B. Approve request by Building Commissioner to waive building permit fees for the Brooks Free Library renovation project
- C. Approve Election Officers as recommended by the Democratic & Republican Town Committees
- D. Approve request for various fee waivers for The Big Fix project
- E. Approve the Petition from Nstar Electric to install approximately 30 feet of conduit under the roadway and one handhole to provide service to 36 Northern Avenue
- F. Approve appointment:
 - 1. Larry Brophy to the Affordable Housing Trust – Full member to June 30, 2020
 - 2. Val Peter to the Wastewater Support Committee – Full member to June 30, 2021

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

NEW BUSINESS

- A. Approve application for Sunday Entertainment by Port Restaurant & Bar and request to extend starting time on Weekday Entertainment License

Judd Brackett, applicant, was present and outlined the request noting that they would like to start entertainment at 11:30 a.m. Mr. Howell noted that whatever the hours are changed to, the rest of the restrictions would still apply. Mr. McManus moved approval of the application for Sunday Entertainment License by Port Restaurant & Bar and to extend the starting time on the Weekday Entertainment License. Mr. MacAskill seconded the motion for discussion. Marcia Casey of 29 Pleasant Street pointed out that they hear the music from The Port and Ember in their back yard and front porch at night and she thinks this extension of hours is too much. She added that they are well over 150 feet away. Mr. Casey of 29 Pleasant Street suggested having acoustic music only. Mr. Howell asked Mr. McManus to add "all previous terms and conditions shall also apply" to his motion and Mr. McManus agreed to amend his motion as such. Mr. MacAskill seconded the amendment. Chief Guillemette said the Police Department has been responsive to the calls that come in and have had proactive meetings with the businesses in Town on the rules and regulations. He encouraged people to call the Police Department if they hear the music over 150 feet away or after 10:00 p.m. and they will respond. He said he has concerns but doesn't have strong objections to this application. The amended motion carried by a unanimous vote.

- B. Approve application for Sunday Entertainment by Ember Restaurant and request to extend starting time on Weekday Entertainment License

Mr. McManus moved approval of the application for Sunday Entertainment by Ember Restaurant and request to extend starting time on the Weekday Entertainment License subject to all the restrictions and previous limitations on the license. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

- C. Approve and accept changes to House Bill H4437 relative to Senior Tax Exemption

Mr. Ballantine moved to approve the text changes in House Bill H4437. Mr. Howell seconded the motion. Mr. Waystack noted that the Board of Assessors has reviewed the changes and they would like to get this done as soon as possible. The motion carried by a unanimous vote.

- D. Acknowledgement of Purchase and Sale Agreement and approval of Order of Taking for 4 Central Avenue

Mr. Clark reported that the Board voted this item in Executive Session. He stated that it was approved by Town Meeting and described the bid process noting that the sale amount was \$51,111.12.

- E. Housing Trust overview and vote to sign Declaration of Trust

Chairman Kavanagh explained that we created a Housing Trust at Town Meeting and now we are working on getting people to volunteer to be on the Trust. Mr. Clark noted that the Trust would identify different locations and partnerships for creating affordable housing and CPC has authorized \$500,000 for this purpose and to fund a regional administrator to assist in that development. Mr.

Howell moved to accept the Trust Agreement as written. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

F. Final FY 18 Budget Adjustments – *vote to authorize the Chair to sign*

Mr. Clark noted that the Finance Committee will be voting on this on Thursday. Ms. Coppola and Mr. Clark outlined the final FY18 budget adjustments and took questions and comments from the Board. With regard to the proposed transfer for the pet burial ground, Mr. Howell said it's a bad idea to use a revolving fund to build something and that nothing that passes as a Town Meeting article can suggest you are going to violate the Charter or MGL. He added that we had a capital requirement and promised to wait until Town Meeting to put this on the capital plan to come up with a solid funding source. He commented that he doesn't want anyone to think that this transfer is a blessing that we are good to go now. Mr. McManus commented that this was unfortunate, the advice by Town Counsel changed through the process, we didn't hide anything, and there were a lot of failures in the process that everybody participated in and nobody caught the mistake. Mr. MacAskill agreed with Mr. McManus' remarks. Mr. MacAskill asked why there is an adjustment to the school retirement health insurance as he thought we were independent of the school. Mr. Clark responded that we retained the liability when we were one system, so those people that worked for the Harwich system prior to Monomoy were still on our books as our obligation. Mr. McManus moved to approve the recommended budget transfers. Mr. Ballantine seconded the motion and the motion carried by a 3-2-0 vote with Mr. MacAskill and Mr. Howell in opposition.

G. Letter to legislative delegation regarding permanent protection for Nantucket Sound

Mr. Clark said this was a request from a private entity. With no one present to discuss, this item was tabled to the next agenda.

H. Summer shuttle bus service to Harwich Port from 203 Bank St. to Bank St. Beach

Mr. Clark noted that it is about a mile walk to the beach from this location at 203 Bank Street and would be even shorter to the restaurants in Town. He said he has spoken to the Chamber about the concept for a shuttle bus and Ms. Williams indicated that it was attempted in the past and was not totally successful. He reported that Chatham has set up valet bus service and we have requested the RFP from them. He suggested looking at other sites such as the Community Center or High School. Mr. Howell said he thought the Schoolhouse parking lot was for economic activity for businesses and restaurants in Harwich Port and the point was that the parking lot was getting filled and we were trying to deliver people to Harwich Port, not to give them an opportunity to get on a bus to go to the beach. Chairman Kavanagh responded that if the lots are filling up, the people are parking there to go to the beach, so any opportunity we have to alleviate the parking stress we have to address. Mr. Howell said he likes the idea in concept but we have to have a discussion about our priorities. Mr. McManus said the original proposal is attempting to expand the lot for the businesses because it was being used by beachgoers and locking it up for the entire day and this would eliminate pressure on the lot. He added that he doesn't think that a shuttle bus is critically necessary and suggested using loaner bikes and to make a fee lot at 203 Bank Street. Mr. MacAskill said it's a great idea and we need to explore the shuttle bus. Mr. Ballantine said we need to get started and come up a plan with priorities and concrete proposals. Mr. Waystack noted that a lot of the parking at Schoolhouse parking lot is being used by employees of the businesses down there. He suggested putting together a working group comprised of people who are dealing with this issue all the time and Chairman Kavanagh agreed this was a great idea. Mr. Clark said the suggestion to use 203 Bank Street was temporary fix and he was planning on

bringing back an RFP for the sale of the property. The Board took comments from Carla Burke who expressed concern that there is no sidewalk or crosswalk there and neighbors are already concerned about traffic and speeding along Bank Street. Bob Piantedosi of 89 Bank Street said the beach is already standing room only and he is confused why we would bring in more people. He discussed the results of a speed detector that was used in the area. Rosemary O'Neill of 15 Pleasant Street said she can envision a lot more traffic with the expansion of facilities at Saquatucket Harbor. She asked that residents be considered for any working group that is created. Jack Walton of 244 Bank Street discussed keeping businesses vibrant. He suggested that Earle Road and Red River have a similar situation and we shouldn't solve all beach parking problems on Bank Street's back. He further suggested that people can park at Bank Street beach in the evening and suggested a sign for that. Donna Hansen of 24 Pleasant Street suggested getting people aware of where all the other parking areas are. Mary Beth Walton of 244 Bank Street stressed that this is a commercial problem and Bank Street is residential. Cyndi Williams said the Chamber will have a map indicating the different parking options as part of a grant. Chairman Kavanagh said they would bring this item back at a later date.

- I. Fire Station 2 Contract Award Approval – Request to sign the Contract between the Town of Harwich and Mill City Construction, Inc. in the amount of \$6,750,000

Mr. Clark provided an overview and discussed bid concerns noting that the AG has said we can go ahead with the bid award. Chief Clarke explained that we are in a bid dispute with the sheet metal workers over the exhaust removal system and we will deal with the bid dispute going forward. He said it will affect the overall price of the contract as the contract was timed out for good weather. He stated that Town Meeting approved the entire amount and we need approve the contract amount with Mill City. Mr. Howell moved to approve the contract with Mill City in the amount of \$5,996,000. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

- J. Brooks Free Library Generator Contract Approval – Request award of contract to Eastward Companies in the amount of \$103,174

Mr. Howell said he would like to see the certification of funds and review by Town Counsel in the packet. Mr. Clark noted that we do have it and in the future we will get the materials in the packet. Mr. Melillo said he will be revising the checklist again. Mr. McManus moved to approve the contract with Eastward Companies in the amount of \$103,174 for the provision and installation of a generator at Brooks Free Library. Mr. Howell seconded the motion and the motion carried by a 4-1-0 vote with Mr. MacAskill in opposition.

- K. Green Fleet – Fuel Efficient Vehicle Replacement Policy – *first reading*

Mr. Melillo outlined the policy and took questions from the Board. Mr. McManus said #3 should be restated as it's not only Police cruisers that we don't want to be turned in to be used by our regulatory inspectors, but the Fire vehicles as well. Mr. Clark said we are looking at installing a charging plug in the parking lot. Mr. MacAskill said the Town Administrator's Report indicates that we are buying a vehicle but we are only in the first reading of this policy. Mr. Clark explained that we have an opportunity as the company providing it gets federal tax credits so the price drops from \$18,000 to \$11,000 and we identified available funds to purchase this year to start to change out the fleet. He pointed out that it will decrease mileage costs for the Community Development departments. Mr. MacAskill said he couldn't accept this as most of the vehicles never move and Mr. Clark couldn't find the money at budget time. Mr. Ballantine said he would need to see more justification. Mr. Clark noted that this is one of the 5 elements of being a Green Community. Mr. Ballantine said he doesn't

see it as contributing to the efficiency or operation of the town. Mr. Clark said there was some money left in the budget from mileage reimbursement and things of that nature so we thought we would kick start the program now and we will have a formal capital budget for the balance of the vehicles. Chairman Kavanagh said to be a Green Community we do have to complete this step at some point. Mr. Howell agreed with Mr. McManus that item #3 had to be changed. He commented that the policy doesn't necessarily mean anything with regard to the vehicle and we are discussing the policy. Mr. McManus moved approval of the Fuel Efficiency Vehicle Policy first reading and to bring it back for a second reading. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

L. Gift from Agway of Cape Cod for booth space at Paw Palooza Cape Cod on July 14-15, 2018 at the Dennis Yarmouth High School

Ms. Kelley said Agway gifted the booth and she was just going to give information. She said she will not be selling lots but will be talking about plans for future development of the pet burial ground. Mr. Howell said this might be an opportunity to find out interest as she will have to put together a business plan for Town Meeting. Mr. McManus moved to authorize the Cemetery Administrator to attend the Paw Palooza Cape Cod on July 14-15, 2018 at the Dennis Yarmouth High School and to accept the gift from Agway of Cape Cod. Mr. Ballantine seconded the motion and the motion carried by a 4-1-0 vote with Mr. Howell in opposition.

TOWN ADMINISTRATOR'S REPORT

A. Lease of a Green Vehicle for the Community Development Department

Mr. Clark reported that we did have some availability when we looked at the budget and it was his intent to award the lease agreement for the Mitsubishi and get us into the business of having fuel efficient vehicles for the departments where the policy would apply. He said he would do a one for one replacement. Mr. MacAskill voiced his objections and reiterated his earlier remarks. Mr. Howell said this is coming from FY18 funds and therefore would not be cascading to free cash the following year. He questioned if it can wait. Mr. Melillo responded that he is not sure how long this would be around for. Mr. McManus said there is savings to be had from fuel savings. Mr. Ballantine said he wants to be sure we aren't using this to sidestep our overall planning process. Chairman Kavanagh said it would helpful to see what we are spending on mileage, fuel and insurance and suggested bringing it back. Mr. MacAskill said we should see how much the vehicles we have now are driven based on mileage. Mr. Melillo said the quote is good for a month. Mr. Howell suggested putting it on next meeting agenda.

B. Piping Plovers at Red River Beach

Mr. Clark reported that Mass Audobon has asked them to have barriers remain a few more days and hopefully by end of week the barriers will be gone and birds will have taken flight.

C. Renewal of vendor at Cultural Center

Mr. Clark reported that we have a person who does pole dancing as an exercise at the Cultural Center and someone from the public had concerns about the advertising of an event at another location related to this service. He said we spoke with the renter and reminded them that the Cultural Center is for private use and not for any pay activity.

D. Cultural Council Grant (\$10,000)

Mr. Clark reported that the Town has a Cultural Council grant for \$10,000 which gets us maps, some improvements to the Chamber's website, and some improvements to the kitchen to get us closer to renting it out.

E. MIIA Additional FY19 Participation Credits

Mr. Clark reported that our staff attends quite a bit of MIIA training to protect the Town's interest from liability and this year our participation credits were just shy of \$9,000.

F. Departmental Reports – recommend monthly reports in lieu of weekly reports

There was no action or discussion on this item.

SELECTMEN'S REPORT

A. Committee Vacancy Report for July 2018

Mr. Howell noted that we have vacancies on the Zoning Board of Appeals, Planning Board, and Board of Health and he urged the public to volunteer.

Mr. Ballantine said we have discussed the Communications Outreach Coordinator with the Wastewater Support Committee and he has sent some dot points to Mr. Clark to come back as a draft RFP at the next meeting.

ADJOURNMENT

Mr. Howell moved to adjourn at 8:48 p.m. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary

Related Documents - July 9, 2018 BOS Meeting

- 01 Agenda.pdf
- 02 Minutes - June 4.pdf
- 03 Minutes - June 11.pdf
- 04 Brooks Library Fee Waiver.pdf
- 05 Election Officer Appointments.pdf
- 06 Election Officer Appointments.pdf
- 07 Big Fix Fee Waiver.pdf
- 08 36 Northern Ave Utility Hearing.pdf
- 09 Committee Appointments.pdf
- 10 The Port Sunday Entertainment Lic.pdf
- 11 Ember Weekday Entertainment Lic.pdf
- 12 House Bill H4437.pdf
- 13 Affordable Hsg. Trust Declaration of Trust.pdf
- 14 FY 18 Budget Adjustments.pdf
- 15 Protection of Nantucket Sound.pdf
- 16 Shuttle Buses.pdf
- 17 Fire Station 2 Contract Award.pdf
- 18 Brooks Library Generator Contract Award.pdf
- 19 Fuel Efficient Vehicle Replacement Policy.pdf
- 20 Gift to the Town.pdf
- 21 Lease of Green Vehicle.pdf
- 22 TA Rpt - Piping Plovers.pdf
- 23 TA Rpt - Vendor Renewal at Cultural Council.pdf
- 24 TA Rpt - Cultural Council Grant.pdf
- 25 TA Rpt - Additional FY19 MIIA Credits.pdf
- 26 TA Rpt - Departmental Reports.pdf
- 27 Committee Vacancy Listing - July.pdf