

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, MARCH 19, 2018  
6:30 P.M.**

**APPROVED**

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

**OTHERS PRESENT:** Town Administrator Christopher Clark, Interim Assistant Town Administrator Bob Lawton, Chief Clarke, Amy Bullock, Carolyn Carey, Cyndi Williams, Sharon Pflieger, Steven Scannell, and others.

Chairman MacAskill reported that the Board had just come out of Executive Session where they discussed HEA Union issues as well as some job descriptions and no votes were taken.

**WEEKLY BRIEFING**

Ms. Carey reported that the acceptance fee set by the State for passports will increase to \$35 on April 2. Chief Clarke thanked everyone for their efforts in the recent storm. He requested that Board extend brush fee waiver. Chairman MacAskill said he intends to take that up tonight. Ms. Pflieger of the Wastewater Support Committee noted that they will be having a meeting tomorrow morning at 8:30 a.m. She further noted that a representative from the County will be at their April 3 meeting to discuss the County's Septic Loan Program.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

Mr. Scannell discussed the concept of a marine technology educational program at Saquatucket Harbor.

**CONSENT AGENDA**

- A. Approve applications by Lanyard Bar & Grill for the following annual licenses: Common Victualler, Weekday Entertainment, Sunday Entertainment, and Automatic Amusement – Juke Box
- B. Confirm appointment of Kenneth Murphy as Local Building Inspector as recommended
- C. Authorize Town Administrator to sign letter of participation for Age-Friendly Regional Assessment with Barnstable County Human Services Department and designate Judi Wilson, COA Director as point person

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

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

- A. Cape Cod Commission Update – *Kristy Senatori*

Ms. Senatori, Acting Executive Director of the Cape Cod Commission, reported on regional initiatives that they are looking at. She discussed the wastewater priority and explained that they are in the implementation phase of the Section 208 Water Quality Management Plan and have made progress in all towns with costs coming down, infrastructure being putting in the ground, and nitrogen issues being

remediated. She noted that they have been involved in Pleasant Bay Alliance discussions. She stated that they will be holding their 4<sup>th</sup> annual One Cape Conference in August and are working on the NOAH Coastal Resilience Project which they received a grant for. She noted that they are looking at coastal resiliency across the Cape and strategies to preserve our coastline. Lastly she updated the Board on the Regional Policy Plan which noted is a comprehensive planning document which guides not only comprehensive planning across the Cape but also their regulatory program. Ms. Senatori took questions and comments from the Board.

## **NEW BUSINESS**

### **A. Job Description and Advertisement for Assistant Town Administrator position – *Bob Lawton***

Chairman MacAskill noted that Mr. Howell and Mr. Ballantine had met with Mr. Lawton to discuss this. Mr. Clark stressed the need to get the recruitment process started. Mr. Lawton explained that the job description is very broad so you can do almost anything you want without changing it. He outlined the requirements in the ad including that an MPA or JD is preferred. Mr. Ballantine discussed having a general counsel to help us with contracts and legal opinions for committees and only funnel specific questions to Town Counsel. He said he wanted to direct this toward the general counsel concept as half the job with the other functions being add-ons such as Human Resources. Mr. Clark discussed his concept of filling this at a lesser salary with a focus on Human Resources and legal specialist. He noted that in the Town of Dennis they have more of a clerical position for legal. He noted that as our budget developed we didn't have funding to do the legal component. He stressed that Human Resources is the priority followed by procurement. He stated that you would want someone who would want to develop into an Administrator. He said he does not want a focus on legal because Human Resources would then fall to him. Ms. Kavanagh said she thinks the position should be focused on procurement and Human Resources. She questioned what the criteria would be for hiring someone with these skills. Mr. Clark said when the resumes come in we'll have a good sense of the backgrounds. Mr. Lawton said the 5 year experience requirement will weed out a lot. He said they should get someone who is at least ready to go to procurement school. Mr. Howell agreed with Mr. Lawton and Mr. Ballantine in part. He said the person would be overseeing procurement rather than performing it and would probably need to have some legal understanding of the implications of these things and same with Human Resources. He said a clerk level position is not what he is looking at in terms of legal. He noted that there needs to be some levels of review and he doesn't see that as being possible in the constraints of the budget. Chairman MacAskill said he thinks the description is broad enough. He stated that we need in-house counsel but can't do it within the budget but stressed the need for someone with procurement skills. He said he is convinced that Human Resources doesn't belong in Administration but we need to start the process. Mr. Howell moved to accept the ad and ask the Town Administrator to place that ad as the basis for selecting the Assistant Town Administrator. Ms. Kavanagh seconded the motion and the motion carried by a unanimous vote.

### **B. Update of the Personnel By-Law Compensation and Classification plan; proposed salary adjustments for DPW Director and Town Clerk; Support Staff Supervisor and Executive Assistants' job descriptions - *Bob Lawton***

Mr. Lawton stated that four of the positions (Executive Assistants) we won't be talking about tonight because we still are bargaining and have received direction from the Board in tonight's Executive Session. He said they are being asked to, under the Personnel By-Law, to approve the revised managerial and administrative scales and to approve salary adjustments for the Town Clerk and DPW Director who did the research on the market pay for these positions. He explained that the Support Board of Selectmen minutes

Staff Supervisor was brought to the Board in January where there was general approval. He said they reviewed it and added it to the OA scale. Mr. Clark noted that the stipend would become part of the overall salary. He said he has been wanting to do this and it is a private sector model. He explained that the clerical people in the building would have someone to go to for issues at their job such as sick time, vacation etc. He noted that the current position handles upstairs but this is being extended downstairs to the Finance Departments. He said this would allow management to focus on management tasks. Chairman MacAskill reminded Mr. Clark that Mr. Ballantine had asked for a simple organization chart and Mr. Clark agreed to provide. Mr. Clark and Mr. Lawton took questions from the Board.

Mr. Clark said Mr. Hooper is a credit to the organization and his salary is significantly below his counterparts and he did the leg work to show that. He said Mr. Hooper is willing to gradually move up over time to come into the range. Mr. Lawton said he would be slotted in the M-9 spot which makes him competitive with the other communities. Ms. Kavanagh stressed that we need to be able to maintain our staff and not lose them. Mr. Ballantine pointed out that Mr. Hooper has added responsibilities now including vehicle maintenance. Mr. Howell stated that we have also added building maintenance. He noted that if we center the discussion on what other towns make, we don't look all that good relative to positions in the town. He said we have to articulate who has what responsibilities and are they competitive with other people in other jobs who have either more or less authority and he is satisfied that this does that.

Mr. Clark stated that the Town Clerk asked that her position be looked at and Mr. Lawton has done that. He said we try to be mid-range but we found that the position was low and should be higher. He noted that this is the only full time salaried professional position that is elected. He said the question was how do we take that into account if there is an opening and a new Town Clerk has less experience. He said right now it is just one number which would apply to all experience levels and by slotting it in the M scale, the decision of where that person starts would fall to the Administrator. He noted that it has to go to Town Meeting. Mr. Howell expressed concern that we are trying to catch up on that position and we would never have allowed this disparity to exist for an appointed person. He pointed out that the Charter does not discuss pay so nothing needs to be done there. Ms. Kavanagh and Mr. Ballantine agreed with Mr. Howell. Mr. Ballantine said the article deserves an explanation. Ms. Doucette said her position is unique as she is an elected official that runs a department and that is why she asked that the position to be looked at as part of management scale.

Mr. Howell moved that we accept the proposed re-designations of the DPW Director, the Town Clerk and the Support Staff Supervisor at OA-5 as proposed. Ms. Brown seconded the motion and the motion carried by a unanimous vote.

Chairman MacAskill recommended extending the brush fee waiver. Mr. Howell moved to declare that the last storm was an emergency and that we will invoke the policy once again for waiving the fees for brush. Ms. Kavanagh seconded the motion and the motion carried by a unanimous vote. Mr. Clark noted that it would take us to April 3<sup>rd</sup>.

## **OLD BUSINESS**

### *A. Back taxes collection status – Tax Collector/Treasurer Amy Bullock*

Ms. Bullock stated that last week the FY16 taxes were liened, so that amounted to about \$26,000. She explained that once those get liened, she can subsequent anything for FY17 that already has a tax lien account and that amounted to about \$360,000. She said we collected \$583,000 in the last year and a

good part of that was because of the tax lien auction that had been advertised. She said a lot of those payment plans have fallen by the wayside. She reported that we've engaged with a new attorney who specializes in tax liens and she has started sending out letters. She noted that right now there are 120 FY17 unpaid real estate taxes that were not subsequented because they don't previously have a tax lien account so she will start sending out letters on those too. She provided an overview on the new attorney who she said will not address anyone who is in good standing on a payment plan. She said she is sending out letters starting with properties with homes as she feels they are more apt to engage in a payment plan. Mr. Ballantine asked to be provided with a quarterly update. Mr. Waystack asked that they be made aware of seniors on the list in order to work with them on deferring their taxes through the state program.

B. Annual Town Meeting Warrant Articles – vote to support – *all articles to be discussed/voted*

Mr. Ballantine moved to support Article 1 Town Officers & Committees. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 2 Reports of Town Officers & Committees. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 6 CCRTS Budget. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 7 Water Dept Budget. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 8 Adopt the Capital Plan. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 13 Rescind Amounts in Long Term Debt. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 15 DHY Clean Waters Community Partnership. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 16 Sewer Enterprise Fund. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 17 Lower County Road Project. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 18 Repave Access Roads to Well Sites. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 19 Purchase Utility Trucks for Water Dept funded by the Water Enterprise Fund. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 20 Reappropriation of Bond Proceeds. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 22 Road Maintenance Program. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 23 Purchase New Replacement Ambulance \$340,000 free cash. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 24 Construction of Station 2 pending a bid and it doesn't exceed \$6,050,000. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 25 Transfer of Land for Island Pond Cemetery. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 27 Cemetery Commission Rules & Regulations Amendments. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 28 Landscape Reclamation and Major Tree Removal. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 29 Phase 2 Completion of Landscaping paid for by the Golf revenues. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 30, to accept the grant for Saquatucket Landside. Mr. Howell seconded the motion. After discussion regarding interpretation of the article, Mr. Howell recommended that Mr. Clark speak with the Moderator about what types of amendments he would accept. Mr. Ballantine withdrew his motion and Mr. Howell withdrew his second of the motion.

Mr. Ballantine moved to support Article 31 Monomoy Regional Agreement Amendments. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 32 Amend Code of Harwich General By-Laws Chapter 115 Stretch Energy Code. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 33 Zoning By-Law Article - Large-Scale Ground-Mounted Photovoltaic. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 34 (Amend the Code of Harwich Zoning By-Laws - Marijuana Establishments Ban), Article 35 (Amend the Code of Harwich General By-Laws - Marijuana Establishments Ban), Article 36 (Amend the Code of Harwich Zoning By-Laws - Marijuana Temporary Moratorium), and Article 37 (Amend the Code of Harwich Zoning By-Laws - Marijuana Establishment - Recreational Permit Use). Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Articles 38 through 44 and to refer them to the Charter Committee for hearings (see below). Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Article 38 Amend the Code of Harwich Charter - to Change from Water Commission to Water/Wastewater Commission

Article 39 Amend the Code of Harwich General By-Laws Sec. 7-10 - Composition of Town Agencies

Article 40 Amend the Code of Harwich Zoning By-Laws to Add a New Harwich Affordable Housing Trust

Article 41 Special Legislation - Additional Annual Liquor Licenses

Article 42 Amend MGL Chapter 59, Sec. 5, Clause 5K Senior Work Off Program - Angel Provision

Article 43 Adopt MGL Chapter 59, Sec. 5, Clause 56 - Personal Property Tax Abatement for National Guard and Reservists

Article 44 De-Commission the Architectural Advisory Committee

Mr. Ballantine moved to support Article 45 Town Owned Property at 4 Central Avenue. Mr. Howell seconded the motion and the motion carried by a 4-1-0 vote with Ms Brown in opposition.

Mr. Ballantine moved to support Article 46 Deeds Accepted in Lieu of Foreclosure - 31/33 Lakeview Dr. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 47 70 Willow Street Town Property Clear Title and Revise Boundary Lines. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 48 Reserve for Future Appropriation Amounts from FY18 Community Preservation Fund Estimated Annual Revenues. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 49 Fund Land Bank Debt Service. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Articles 50 through 58 (see below). Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Article 50 Community Preservation Articles under \$50,000

Article 51 Brooks Free Library Restoration

Article 52 Construction of Municipal Public Records Storage Facility at Community Center

Article 53 Habitat for Humanity Community Housing

Article 54 Brooks Park Expansion/Improvements Phase 5

Article 55 Judah Eldredge Property Acquisition

Article 56 Purchase of Cornelius Pond Property

Article 57 Hinckley Pond Remediation and Public Access Improvements near Rte 124

Article 58 Fund the Harwich Affordable Housing Trust

Mr. Ballantine moved to support Article 59 Defray Costs for the Chase and Harwich Libraries. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 60 Promote the Town of Harwich. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 61 Supplement Annual Allocation of Mass Cultural Council for Local Cultural Council Grants in the amount of \$3,600. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 62 Pleasant Bay Alliance – IMA and Article 63 Pleasant Bay Management Resource Plan Update – MOU. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 64 Annual Revolving Fund Authorization. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to support Article 69 Herring Fisheries. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

## **TOWN ADMINISTRATOR'S REPORT**

- A. DHY Clean Waters Meeting – March 22, 2018 at 6:00 p.m. Dennis COA
- B. Saquatucket Bulkhead
- C. Departmental Weekly Reports

With regard to Item A, Mr. Clark reported that DHY Clean Waters meeting is on March 22 and they will be looking for a vote of support from the Board at that meeting.

With regard to Item B, Mr. Clark noted that there was some concern about the Saquatucket bulkhead and Mr. Rendon had gotten the evaluations from three different parties. He said we are aware there was an issue and are looking at it. He said in reading the professional's material it appears that a decision was made that some of this work they thought would last and instead of adding money to a project to address something that may last 10 years, they decided to defer as related to the Saquatucket waterside portion of that project. Mr. Howell said there was a former Harbormaster who was talking about the condition of the bulkhead on social media. He said he would like signed reports from the engineers so that they are winding up having some exposure. Chairman MacAskill said there were questions from a few citizens and they asked for reports and Mr. Rendon has provided some of this information. He said there was a piece the Board hadn't gotten and Mr. Clark is working on getting that. He said Mr. Clark and Mr. Rendon are discussing this and if there is a reason to this bring back, they will do so. Mr. Clark reported that we believe that under the contract already issued we can do a tight tank and get us through the season and then go back and do the finished work as we don't know the status of the snack shack. He noted that Health Director is bringing it to the Board of Health. He said they will not be doing this work if it is not approved by the Board of Health.

Mr. Clark answered the Board's wastewater questions which he noted are included in the list of Frequently Asked Questions for phase 2 of the project.

## **ADJOURNMENT**

Mr. Howell moved to adjourn at 8:33 p.m. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel  
Recording Secretary

## Related Documents - March 19, 2018 BOS Meeting

- 01 Agenda.pdf
- 02 Lanyard Licenses.pdf
- 03 Appt of Local Building Inspector.pdf
- 04 COA Request for Assessment.pdf
- 05 ATA Ad & Job Description.pdf
- 06 Compensation & Classification changes.pdf
- 07 Back Taxes Update.pdf
- 08 Town Meeting Warrant.pdf
- 09 DHY Meeting.pdf
- 10 Saquatucket Bulkhead.pdf
- 11 Dept Weekly Reports.pdf