

**APPROVED**

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, MARCH 5, 2018  
6:30 P.M.**

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

**OTHERS PRESENT:** Town Administrator Christopher Clark, Chief Clarke, Carolyn Carey, Cyndi Williams, Jack Brown, Richard Waystack, Sharon Pflieger, and others.

Chairman MacAskill reported that the Board had just come out of Executive Session where they talked about negotiations with the HEA Union as well as some financing for research of owners' unknown property. He explained that there is a fund that was set aside by Town Meeting to allow the Real Estate and Open Space Committee to pursue titles for land we may want to acquire and the Board voted to allow them to use some of those funds to pursue a parcel of land.

**WEEKLY BRIEFING**

Chief Clarke reported that the Town sustained a tremendous amount of tree and power damage from the recent nor'easter and there are still people without power but we are quickly returning to normal status. He thanked the Fire, Police, Highway and Water Departments for their tremendous efforts during this event.

Ms. Carey reported that the Community Center is open as a warming station.

Ms. Williams reported on the upcoming job fair on March 15 at the High School.

Mr. Clark reported that Saturday's budget meeting was cancelled due to the storm. The Board and Finance Committee Chair agreed to reschedule it for this Saturday.

**CONSENT AGENDA**

- A. Approve minutes –
  - 1. February 12, 2018 Regular Session
  - 2. February 20, 2018 Regular Session
- B. Approve request for One Day Entertainment License for The Commodore Inn for June 2, 2018
- C. Approve Split System AC Proposal from RISE Engineering for Harwich Fire Station and authorize Chair to sign

Chairman MacAskill held Item C. Mr. Ballantine moved approval of Items A and B. Ms. Brown seconded the motion and the motion carried by a 4-1-0 vote with Mr. Howell in opposition. Mr. Howell stated that this should be a separate agenda item for discussion.

Chairman MacAskill questioned why they are voting on Item C as it is under \$50,000. Mr. Clark said technically it is for approximately \$52,000 but with the energy credit it falls below that. Chairman MacAskill said there are no contract documents signed by the Town Administrator and Finance Director. Mr. Clark said he thinks it is in the signature folder and that Mr. Libby did go out and get

our contract forms. Mr. Ballantine moved to approve the Split System AC Proposal from RISE Engineering for Harwich Fire Station and authorize Chair to sign. (Item C). Mr. Howell seconded the motion and the motion carried by a 4-1-0 vote with Chairman MacAskill in opposition.

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

### **A. Presentation - Housing Assistance Corporation Big Fix Harwich Program**

Anne Van Vleck, CEO at Housing Assistance Corporation (HAC) and David Quinn from the Housing Development Team at HAC, provided background information on the Housing Assistance Corporation. They explained that their Big Fix Program will be held on Saturday, September 22, 2018 in Harwich and the event is focused on helping income eligible residents in Harwich in need to improve their homes through the assistance of volunteers who will perform small home repairs and yardwork. Ms. Van Vleck noted that there is an associated fundraiser as well. She stated that they are looking for team leaders, sponsors, and anyone who wants to help out and she provided a video on the success of last year's event. Mr. Quinn went over the logistics of the event and noted that the application is on their website. He stated that he will be reaching out to department heads to request assistance in coordinating some of the logistics and will do this through the Town Administrator and he may ask Town to waive some of the fees for permits or the landfill. Mr. Waystack said he can provide a list of low income and veteran exemptions for a mailing list and Ms. Williams of the Chamber said they will be doing mailings on this and will work with Ms. Van Vleck. Ms. Brown agreed to work with HAC's event coordinator Deanna to help with logistics. Mr. Clark said they will waive any fees they can once a list is identified and Mr. Quinn said he would be providing that.

## **NEW BUSINESS**

### **A. Budget and Warrant discussion**

Chairman MacAskill said he is still trying to grapple with the 7.2% budget increase and noted particular concerns include the IT position, school capital including restrooms at the track which he said should be a capital exclusion, and vehicles for the Deputy Fire Chief and Natural Resources. Mr. Clark suggested the Board have a follow-up budget session with the school. He said the Board had a lot of priorities, there are only so many dollars to go around and we only have one person in IT. Chairman MacAskill suggested capital or debt exclusions for some of these items. Ms. Kavanagh said there are many things they are already committed to and she didn't think a 2-3% increase is realistic to provide the proper services and Mr. Ballantine agreed. Mr. Ballantine questioned if all three dump trucks are needed at the Highway Department and stressed that IT is a top priority. He commented that he wants a plan to bring in software and hardware and more consistency across all departments. Mr. Brown said the Finance Committee is seriously considering vehicles and overtime. Mr. Howell said he wants to see job description for the IT position and Ms. Kavanagh said it has to include risk assessment.

Chairman MacAskill noted that when the Board votes to accept and adopt an article that means that the article will also be included in the warrant.

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

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

Mr. Ballantine moved to accept and adopt Article 3, Elected Officials Salaries, to put in the warrant pending final numbers. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to accept and adopt Article 4, Town Operating Budget, with the numbers to be finalized later. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to accept and adopt Article 5, Monomoy Regional School District Budget, conditioned on the final number. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to accept and adopt Article 6, Cape Cod Regional Technical School District Budget, contingent on the final number. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to accept and adopt Article 7, Water Department Budget, contingent on the final number. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to accept and adopt Article 8, Adopt the Capital Plan. Ms. Kavanagh seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to accept and adopt Article 9, Capital Items Funded from Free Cash, funded from free cash \$150,000 contingent on the final number. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to accept and adopt Article 10, Facility Maintenance and Repair Fund, contingent on the acceptance of the final number. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to accept and adopt Article 11, Fund the Snow and Ice Deficit for FY18, contingent on the final number. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to accept and adopt Article 12, Fund Shortfalls in Budget Transfers for FY18, contingent on the final number. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to accept and adopt Article 13, Rescind Amounts in Long Term Debt Authorized by Vote of the Town for Various Purposes that is no Longer Needed. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to accept and adopt Article 14, Fund the Construction of Phase II of the CWMP, contingent on the final number. Ms. Kavanagh seconded the motion and the motion carried by a 4-0-1 with Mr. Howell abstaining from the vote.

Mr. Ballantine moved to accept and adopt Article 15, DHY Clean Waters Community Partnership. Ms. Kavanagh seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to accept and adopt Article 16, Sewer Enterprise Fund, after which he stated that he would prefer to bring this back for discussion. The motion was not seconded.

Mr. Ballantine moved to accept and adopt Article 17, Lower County Road Project for FY18, contingent on the final number. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to accept and adopt Article 18, Repave Access Roads to Well Sites, contingent on the final number. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to accept and adopt Article 19, Purchase Utility Trucks for the Water Department, contingent on the final number. Mr. Howell seconded the motion. Chairman MacAskill said they should bring this item back. Mr. Howell pointed out that the funding source is going to be the Water Enterprise Fund which is the rate payers. He said he is in support of it to the extent that this is the rate payers and the Water Department's Enterprise Fund is funding it and not the tax base. The motion carried by a 4-0-1 vote with Chairman MacAskill abstaining from the vote.

Mr. Ballantine moved to accept and adopt Article 20, Re-appropriation of Bond Proceeds, contingent on the final number. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to accept and adopt Articles 21 to 29 (see attached list). Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to accept and adopt Articles 31 to 37 (see attached list). Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Ballantine moved to accept and adopt Articles 39 to 66. Mr. Howell seconded the motion. Mr. Howell stated that any of the articles that have to do with by-law changes, even the Planning Board ones, need to be referred to the By-Law/Charter Review Committee as they have to hold meetings as to form and structure once the Board votes them. The motion carried by a unanimous vote.

With regard to Article 16, Sewer Enterprise Fund, Mr. Ballantine said we may be a year ahead of time on it. He commented that it isn't specific as to how the money will be used and he would like more specifics on that. Mr. Howell stated that until the wastewater system is built, it would be under Board of Selectmen jurisdiction, and the Board has control over disbursement. Mr. Clark said this would allow the fund to build up. Mr. Ballantine said it was extremely broadly stated. Mr. Ballantine said he wanted to be careful it wasn't used for public relations and that we don't violate the Free Cash Policy. Mr. Clark and Mr. Howell agreed that using the language "or transfer from free cash" in the article does not violate the Free Cash Policy. Mr. Howell noted that the fund might likely need infusions of cash. Ms. Brown brought up that the article does not address that there will be assistance to citizens in need of financial assistance with hook up. Mr. McManus stated that the by-laws indicate that all articles shall be submitted in final form no later than 12 noon on the 2<sup>nd</sup> Friday in February. Chairman MacAskill responded that to be fair, this is the first time they are looking at some of this and they aren't going to allow anything into the warrant that they don't think is right. Mr. McManus said their options are to drop the article or make the changes on Town Meeting floor. Mr. Ballantine moved to accept and adopt Article 16, Sewer Enterprise Fund. Ms. Brown seconded the motion and the motion carried by a unanimous vote.

With regard to Article 30, Accept Grant for Saquatucket Landside Project, Ms. Brown said we've already accepted the grant and the article says they are voting to accept the grant. She said they need to rewrite the article to say do we use the \$1 million as an offset or as an addition to the \$3 million. Mr. Clark said he believes the intent is if there is a favorable vote, it allows the grant to be used above and beyond the \$3 million level, and a no vote would be that they have to keep it at the \$3 million level. Mr. Clark noted that the scope of the article can be expanded but it can't be contracted. Mr. Ballantine moved to accept and adopt Article 30, Accept Grant for the Saquatucket Harbor Landside Project. Mr. Howell seconded the motion and the motion carried by a 4-0-1 vote with Ms. Brown abstaining from the vote.

With regard to Article 38, Amend the Code of Harwich General By-Laws Section 7-10 – Composition of Town Agencies, Mr. Ballantine said the table should indicate that the Conservation Commission has 7 members and 2 alternates. Mr. Clark noted that he and Mr. Howell met this morning and this will be corrected. Mr. Howell added that there are substantial changes. Mr. Ballantine moved to accept and adopt Article 38, Amend the Code of Harwich General By-Laws Section 7-10 – Composition of Town Agencies. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Mr. Clark briefly outlined the ballot questions and Chairman MacAskill said they would bring this back next week and he wanted to expand the definition on the cemetery crematorium.

#### B. Wastewater Support Committee update

Ms. Pflieger, Chair of the Wastewater Support Committee, discussed the Committee's proposed informational letter they want to send out as there are a lot of people in East Harwich to be sewered and they aren't aware. There was discussion about whether to include email addresses for Mr. Clark and Mr. Pelletier in the letter. Ms. Brown was not in favor of including the email addresses and Mr. Howell stressed that homeowners want to get answers from people in a position to do so. Mr. Howell moved to approve the letter to be sent out with the inclusion of the emails. Ms. Kavanagh seconded the motion and the motion carried by a 4-1-0 vote with Ms. Brown in opposition.

Chairman MacAskill said in light of the recent storm, he would like to enact the brush fee waiver as allowed under the Board's policy. Mr. Howell noted that the Governor had declared a state of emergency and he moved to invoke the policy from here with the expiration 14 days hence. Ms. Brown seconded the motion and the motion carried by a unanimous vote. Mr. Clark pointed out that it is calendar days. Chairman MacAskill added that this does not apply to commercial haulers or anyone doing tree jobs.

### **OLD BUSINESS**

#### A. Housing Authority position – ballot or appointment

Chairman MacAskill stated that the Town Clerk wanted to know if the Board wanted to do the one year appointment again for this position or put it on the ballot for 4 years. Mr. Howell said he strongly feels they should appoint and the law's intent was to create a tenant representative. He urged that they make another year's appointment and see what the state's doing because they haven't rescinded the law. Mr. Howell moved that the Selectmen support the one year appointment of an individual for the Housing Authority and to not place it on the ballot. Ms. Kavanagh seconded the motion and the

motion carried by a unanimous vote. Chairman MacAskill noted that this would require a joint meeting with the Housing Authority.

- B. Recommendation to appoint Randall Pond as the Housing Authority's representative to the Community Preservation Committee term to expire May 15, 2018

Mr. Howell recommended going to 2019 as they haven't come up with a permanent fix and Mr. Pond's term doesn't expire until the May 2019 elections. He moved to make the appointment for Randall to be the ex-officio appointee of the Housing Authority to the CPC with a term to expire in 2019. Ms. Kavanagh seconded the motion and the motion carried by a unanimous vote.

## **TOWN ADMINISTRATOR'S REPORT**

- A. Outstanding accounts receivables
- B. Wastewater project update – Southern section of Pleasant Bay Watershed
- C. DHY Clean Water Partnership
- D. Eversource vegetation maintenance work
- E. MassDOT Notice of Road Work
- F. Reserve Fund Transfer – Utilities
- G. DPW staff appreciation letters
- H. Departmental Weekly Reports

Mr. Clark reported that Item A is informational only as there was a question about accounts receivable. He noted that the Board had already discussed Item B. With regard to Item C, Mr. Clark reported that the DHY Partnership meeting is March 22<sup>nd</sup> at 6:00 p.m. at the Dennis COA. With regard to Item D, Mr. Clark reported that we received notice from Eversource that they will be doing some select removal of hazardous trees along the right of way edge. He noted that Item E was discussed at the last meeting but noted that MassDOT will also be doing work on secondary roads and ramps on Route 6. With regard to Item F, Mr. Clark reported that there was an 18 day stretch in which the temperature was below 32 degrees and there is a clause in the gas contract that indicates they can charge a different fee during this time so he will be seeking a request for transfer from the Finance Committee in the amount of \$20,000 to \$30,000. Regarding Item G, Mr. Clark reported that we received letters of appreciation acknowledging the work the employees did to keep the community safe during the storms.

## **SELECTMEN'S REPORT**

Chairman MacAskill thanked the DPW, Fire, Police and Community Center staff for their efforts during the storm.

## **ADJOURNMENT**

The meeting adjourned at 8:43 p.m.

Respectfully submitted,

Ann Steidel  
Recording Secretary

**TABLE OF CONTENTS**  
**ANNUAL TOWN MEETING**  
**May 7, 2018**

Procedures.....4  
Motion Chart.....5  
Tax Rate Chart .....6  
Municipal Finance Terms Voting.....7  
Proposition 2 ½ Terms.....8

**ARTICLES**

1. Town Officers & Committees.....9  
2. Reports of Town Officers & Committees.....9  
3. Elected Officials Salaries.....9

BUDGETS

4. Town Operating Budget.....10  
5. Monomoy Regional School District Budget.....10  
6. Cape Cod Regional Technical School District Budget.....10  
7. Water Department Budget .....11

CAPITAL BUDGET

8. Adopt the Capital Plan.....11

ADMINISTRATION

9. Capital Items Funded From Free Cash .....  
10. Facility Maintenance and Repair Fund.....  
11. Fund the Snow and Ice Deficit for FY18.....  
12. Fund Shortfalls in Budget Transfers for FY18 .....  
13. Rescind Amounts in Long Term Debt authorized by Vote of the Town for Various Purposes  
That Is No Longer Needed.....

WASTEWATER

14. Fund the Construction of Phase II of the CWMP .....  
15. DHY Clean Waters Community Partnership .....  
16. Sewer Enterprise Fund.....

WATER DEPARTMENT

17. Lower County Road Project for FY18.....  
18. Repave Access Roads to Well Sites.....

- 19. Purchase Utility Trucks for the Water Department .....
- 20. Re-appropriation of Bond Proceeds.....

DEPARTMENT OF PUBLIC WORKS

- 21. Purchase and Equip Vehicles for the DPW .....
- 22. Road Maintenance Program.....

FIRE DEPARTMENT

- 23. Purchase New Replacement Ambulance .....
- 24. Construction of Station 2 .....

CEMETERY DEPARTMENT

- 25. Transfer of Land for Island Pond Cemetery .....
- 26. Construction of Pet Crematory/Fund Equipment for Pet Crematory.....
- 27. Harwich Cemetery Commission Rules and Regulations Amendments.....

GOLF DEPARTMENT

- 28. Landscape Reclamation and Major Tree Removal.....
- 29. Phase 2 Completion of Landscaping.....

HARBORMASTER DEPARTMENT

- 30. Accept Grant for The Saquatucket Harbor Landside Project .....

GREEN COMMUNITIES

- 31. Amend the Code of Harwich General Bylaws – Adopt the Stretch Energy Code .....
- 32. Amend the Code of Harwich Zoning Bylaws - Large-Scale Ground-Mounted Photovoltaic Arrays.....

MARIJUANA

- 33. Amend the Code of Harwich Zoning Bylaws – Marijuana Establishments Ban.....
- 34. Amend the Code of Harwich General Bylaws – Marijuana Establishments Ban.....
- 35. Amend the Code of Harwich Zoning Bylaws – Marijuana Temporary Moratorium .....
- 36. Amend the Code of Harwich Zoning Bylaws – Marijuana Establishment – Recreational Special Permit Use.....

CHARTER/BYLAW AMENDMENTS

- 37. Amend the Code of Harwich – Charter – To Change from “Water Commission,, to “Water/Wastewater Commission,,.....



- 38. Amend the Code of Harwich General Bylaws § 7-10 – Composition of Town Agencies ....
- 39. Amend the Code of Harwich Zoning Bylaws to Add a New Harwich Affordable Housing Trust .....
- 40. Special Legislation – Additional Annual Liquor Licenses .....
- 41. Amend M.G.L. Chapter 59, §5, Clause 5k – Senior Work Off Program – Angel Provision
- 42. Adopt M.G.L., Chapter 59, §5, Clause 56 – Personal Property Tax Abatement for National Guard and Reservists .....
- 43. De-Commission the Architectural Advisory Committee.....

LAND ISSUES

- 44. Town Owned Property at 4 Central Avenue.....
- 45. Deeds Accepted in Lieu of Foreclosure – 31/33 Lakeview Drive.....

COMMUNITY PRESERVATION

- 46. Reserve for Future Appropriation Amounts from FY 2018 Community Preservation Fund Estimated Annual Revenues .....
- 47. Fund Land Bank Debt Service.....
- 48. Community Preservation Articles under \$50,000.....
- 49. Brooks Free Library Restoration .....
- 50. Construction of Municipal Public Records Storage Facility at Community Center.....
- 51. Habitat for Humanity Community Housing .....
- 52. Brooks Park Expansion/Improvements Phase 5 .....
- 53. Judah Elddredge Property Acquisition .....
- 54. Purchase of Cornelius Pond Property .....
- 55. Hinckley Pond Remediation and Public Access Improvements near Rt. 124 .....
- 56. Fund the Harwich Affordable Housing Trust .....

PRIVATE PETITIONS

- 57. Defray Costs for the Chase and Harwich Port Libraries.....
- 58. Promote the Town of Harwich.....
- 59. Supplement Annual Allocation of Mass Cultural Council For Local Cultural Council Grants..
- 60. Pleasant Bay Alliance – IMA .....
- 61. Pleasant Bay Management Resource Plan Update - MOU.....

REVOLVING/STABILIZATION/OPEB FUNDS

- 62. Annual Revolving Fund Authorization.....
- 63. Stabilization Fund.....
- 64. OPEB Trust Fund.....
- 65. Fund Prior Year’s Unpaid Bills .....

## Related Documents - March 5, 2018 BOS Meeting

- 01 Agenda.pdf
- 02 Feb 12, 2018 Minutes.pdf
- 03 Feb 20, 2018 Minutes.pdf
- 04 Commodore 1 Day License.pdf
- 05 RISE AC Proposal.pdf
- 06 Big Fix.pdf
- 07 Warrant.pdf
- 08 Wastewater Support Letter.pdf
- 09 Housing Authority Rep CPC.pdf
- 10 Account Receivables.pdf
- 11 DHY Clean Water Meeting.pdf
- 12 Eversource Maintenance Letter.pdf
- 13 Eversource Maintenance Map.pdf
- 14 Road Work Notification.pdf
- 15 Reserve Fund Transfer Gas.pdf
- 16 DPW Staff Appreciation Letters.pdf
- 17 Dept Weekly Reports.pdf