

APPROVED

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

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

OTHERS PRESENT: Town Administrator Christopher Clark, Chief Clarke, Amy Usowski, Amy Bullock, Aly Sabatino, Jim Coppola, Robert Fratus, Peggy Gabour, Patrick Otton, Bob Thomas, Jim Cheverie, Larry Brophy, and others.

Chairman MacAskill called the meeting to order at 6:30 p.m. He reported that the Board had just come out of Executive Session where they talked about collective bargaining pertaining to the Golf Department and reorganization, they voted health insurance deductible changes, the Marini property Purchase & Sale Agreement and Conservation Management Plan as well as contract negotiations pertaining to the Town Administrator's contract where they have made no decision.

WEEKLY BRIEFING

No one appeared before the Board.

PUBLIC COMMENT/ANNOUNCEMENTS

No one appeared before the Board.

CONSENT AGENDA

- A. Approve Minutes:
 - 1. May 15, 2017 Executive Session
 - 2. May 15, 2017 Regular Session
- B. Approve Harwich Employee's Association Side Letter of Agreement
- C. Approve FY18 Human Services Grant awards as recommended
- D. Authorize the Chair to approve the proposal for the Town Wide Radio System voted at the May 2017 Annual Town Meeting
- E. Approve application for a Coastal Zone Management grant for Saquatucket Landside project in the amount of up to \$500,000 – "Reconstructing for Resiliency at Saquatucket Harbor"
- F. Approve and sign the Side Letter of Agreement between the Town and Unions to participate in the Benchmark Plans offered by the CCMHG

Mr. Howell requested to take Items A and C up separately. Chairman MacAskill said he would hold Item E as well. Ms. Kavanagh moved approval of the Consent Agenda Items B, D and F. Ms. Brown seconded the motion and the motion carried by a unanimous vote. Ms. Kavanagh moved to approve Item A of the Consent Agenda. Ms. Brown seconded the motion and the motion carried by a 3-0-2 vote with Mr. Howell and Mr. Ballantine abstaining from the vote. Ms. Kavanagh moved to approve Item C of the Consent Agenda. Mr. Howell recused himself from Item C as he is an officer of Harwich Ecumenical Council and Sight Loss Services. Ms. Brown seconded the motion and the motion carried by a 4-0-0 vote. With regard to Item E, Chairman MacAskill stressed the need for the

Harbormaster to come before the Board on this as the proposal jumped from \$3,000,000 to \$3,600,000 and it appears to have changed from what was presented at Town Meeting. Ms. Usowski explained the grant opportunity but said she could not comment on the budgeting of the project. She asked permission to apply for the grant. Ms. Kavanagh moved to approve Item E. Mr. Ballantine seconded the motion. Mr. Howell stated that it should be implied in the motion that this is the cap and it does not include a full service restaurant. Ms. Usowski noted that there was discussion about the septic system at a recent Community Development meeting and it was decided to put in a new system but one that would not accommodate a full restaurant as originally proposed as it was too much money and people favored the snack shack. Mr. Clark said we can't go beyond the scope of what was authorized at Town Meeting. The motion carried by a unanimous vote.

OLD BUSINESS

A. Process for the Tax Lien Auction – update

Ms. Bullock said the tax lien auction list stands at 122 parcels at a value of \$2,800,000 and we have collected \$178,000 since the letters went out. She described the notification process which included 4 quarterly tax bills, a demand notice, a letter from her office, a letter from the tax taking attorney and a notice in the newspaper that is also posted in two public places. Ms. Bullock and Mr. Coppola took questions and comments from the Board regarding withdrawing properties from the list, notification process, foreclosure and resale, and the auction process. The Board took comments from Mr. Cheverie who expressed concern that the Real Estate and Open Space Committee has not had a chance to look at the list and the auction is imminent. Mr. Fratus commented that a lot of the properties aren't assessed properly and said more research from the Assessor would probably cut down greatly on the list. Ms. Gabour researched third party investor sales in the various communities and the law is written that there are no exemptions for anyone. She discussed problems this program caused in other communities. Ms. Cebula said this is a good idea and wouldn't agree with exemptions for over age 65. She suggested putting a time limit on this if we are going to delay. Mr. Marceline encouraged the Tax Collector not to put the properties up for auction and just keep the liens on. Chief Clarke commented that Ms. Bullock has already addressed the people who can't pay and it is unacceptable not to pay taxes for those who just won't pay. He said there have been many discussions about why aren't we going after these people and Ms. Bullock is simply doing her job. Mr. Thomas of the Real Estate and Open Space Committee said they were surprised at the short notice and decision to go to auction, since they have spent years talking about various parcels some of which are on the list. Mr. Howell moved to request the Town Treasurer to postpone the tax lien auction until June 30, 2018 in order to collaborate with the Real Estate and Open Space Committee, the Assessor's Office and engage more proactively with contact to those who are in arrears. Ms. Brown seconded the motion. Chairman MacAskill said he doesn't believe that by motion this Board should be sending a message to a department head and Mr. Ballantine agreed. Ms. Kavanagh said she would appreciate looking at it further and collaborating with the Real Estate and Open Space Committee and the Assessor's Office. Ms. Brown amended the motion to request that the Town Administrator ask the department head to postpone the auction. Mr. Howell accepted the amendment. The motion as amended carried by a 4-1-0 vote with Mr. Ballantine in opposition.

NEW BUSINESS

A. Request for License Agreement for Robert Fratus to create safe and adequate access to his parcel by upgrading Hawksnest Road from a 9' dirt road to 18' wide gravel road

Mr. Clark stated that the Planning Board discussed it and they came up with the concept of a License Agreement which has been drafted by Ms. Sabatino and sent to Town Counsel for review. He noted that they are waiting to hear back. Chairman MacAskill noted that Mr. Nickerson of DPW is in agreement with this. Ms. Sabatino explained that the Planning Board held a public hearing and there were no concerns from the Town Engineer, Fire Department or Conservation. Mr. Fratus explained this is basically 1,000 feet and noted he doesn't have the power company 100% lined up and may have to come back to put utilities in. Mr. Howell said the improved section is about 26 feet wide and he gathers that was done without any agreement. Mr. Fratus responded that it is only where it stops that it could be 26 feet because that's where people turn around. Mr. Howell said he can't vote on it as some of the attachments are blank, we don't have the locus, and we don't have where it starts or where it ends. He said they would be agreeing to something that is open ended. Chairman MacAskill said it has been staked and bounded and they would be agreeing to give them a license agreement to do road improvements based on DPW specifications. Mr. Brophy of the Planning Board said he did find the bounds which weren't hard to find and the Planning Board has no difficulty with this. Ms. Gabour stated that this road and the area that it's in is part of the Six Ponds Special District, it is a scenic corridor, and it is a protected roadway. She said there are restrictions to the roadway and to how it is affected and the goal is to keep the area protected with natural habitat. She said there can be development off the road however it has to be curb cuts only and the road is basically to be maintained as a 9 foot roadway. She added that she spoke to Mr. Nickerson who said he didn't take any consideration of the Six Ponds District or its restrictions on roads, one of them being the Seth Whitefield / Hawksnest Road. Mr. Fratus said there are no restrictions and provided a history on the road. Mr. Ballantine moved that we approve the request for a License Agreement for Robert Fratus to create a safe and adequate access to his parcel by upgrading Hawksnest Road from a 9' dirt road to an 18' wide gravel road pending referral back to the Planning Board and authorize the Chair to sign and make sure legal comes back. Ms. Brown seconded the motion and the motion carried by a 4-1-0 vote with Mr. Howell in opposition. Mr. Howell was opposed to voting at all on the document as both Attachments A & B (indicating the locus) were blank.

B. Board of Selectmen re-organization for 2017-2018

Ms. Brown recommended that we assign Michael MacAskill as the Chair, Julie Kavanagh as the Vice Chair, Larry Ballantine as the Clerk, and Jannell Brown and Don Howell as the Interview Committee. All Board members were in agreement. Mr. Ballantine commented that he would like, in the future, to go back to rotating Chairmen, but at this time we have two new members so it makes sense to stay where we are. Ms. Brown moved to reorganize with Michael MacAskill as our Chair, Julie Kavanagh as our Vice Chair, Larry Ballantine as our Clerk, Donald Howell and Jannell Brown as the Interview Committee. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

C. Selectmen's Summer Meeting Schedule

Chairman MacAskill said he would like to meet on the 12th of June and if we don't have enough we can cancel and Mr. Ballantine agreed. There was consensus to adopt the schedule but meet on the 12th.

TOWN ADMINISTRATOR'S REPORT

A. Permitting Related to Beach Nourishment

Mr. Clark outlined his memo to the Board dated May 23, 2017 regarding Permitting Related to Beach Nourishment (see attached). No action was taken.

B. General Beach Nourishment Policy

Mr. Clark outlined his memo to the Board dated May 23, 2017 regarding General Beach Nourishment Policy and Public Beach 22 (see attached). No action was taken.

SELECTMEN'S REPORT

Mr. Howell requested that at some point having an agenda discussion about our current legal representation and what it cost over the last several years. Mr. Clark said it is an annual appointment so if the Board wants to make a change he could rough out a simplified process. Chairman MacAskill asked that he be emailed prior to Wednesday mornings to get something on the agenda.

ADJOURNMENT

Ms. Brown moved to adjourn at 8:24 p.m. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary

OFFICE OF THE TOWN ADMINISTRATOR

Phone (508) 430-7513

Fax (508) 432-5039



Christopher Clark, Town Administrator

732 MAIN STREET, HARWICH, MA 02645

MEMO

To: Board of Selectmen

From: Christopher Clark
Town Administrator

Re: General Beach Nourishment Policy and Public Beach 22

Date: May 23, 2017

Administration has been requested to look at the issue of beach nourishment throughout the Town. This issue specifically came up in regards to a neighborhood dispute centering on Public Beach 22 by Beach Road in West Harwich. I have had meetings with the Harbormaster and the Conservation Administrator regarding this issue. Amy was able to provide information from Coastal Zone Management, a state agency whose jurisdiction includes looking at shorelines over a period of time. She was able to provide maps that show the shoreline along Nantucket Sound that have data showing the shoreline in some cases going as far back as 1909 up to the most recent data 2009. When one looks at the images shown of the shoreline over time, there are a few general rules that appear to apply. First when there is a large jetty as in the case of Herring River, Pleasant Road Beach, Allen Harbor, Wychmere Harbor and Red River, beach accretion tends to be the more dominant feature. In almost all other areas, the situation varies significantly over time. The second image in the series of images shows the Pleasant Road Beach to the Brooks Road area has fairly widely varying high water shorelines which is the highest point of the erosion that was identified in the 1909 to 1930 range and the highest point of accretion is from the 1970s and 1982 range. Based upon these images and the high level of unpredictability, I would recommend that the Board of Selectmen have a policy as follows:

Whereas it is in the public interest to have public beaches for our tourist industry and our longtime summer residents that a focal point of policy should be to monitor public beaches that have sustained long periods of accretion such as the Pleasant Road Beach, Brooks Road area beach, Bank Street and Merkel Beach area and the Red River beach area. A priority for beach nourishment should be publicly owned lands and beaches where there is established infrastructure and the history of needed beach re-nourishment such as Grey Neck, Ocean Ave., and Atlantic Ave. beaches and sections of the Red River beach. The Public Beach 22 area in particular where it has no dedicated public parking and is more of a neighborhood beach would be given a lower priority for beach re-nourishment based upon the volatility of the accretion and the erosion question to focus public dollars on an area that could be washed out to Nantucket Sound. I do believe that with limited financial resources and limited capacity to re-nourish all of our beaches that some prioritization needs to be given. I do believe further that as public servants we all do have an obligation to preserve and protect publicly owned lands. The Town has had a long practice of providing some dredge spoils to private beach owners along Nantucket Sound in fairly close proximity to dredge operations. I believe that this public service should be retained and that as requests come in and the opportunity for income generation is offered, this activity should be continued through our existing bidding process.

CC: John Rendon, Harbormaster
Amy Usowski, Conservation Agent

OFFICE OF THE TOWN ADMINISTRATOR

Christopher Clark, Town Administrator

Phone (508) 430-7513

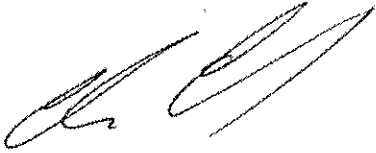
Fax (508) 432-5039

732 MAIN STREET, HARWICH, MA 02645



MEMO

To: Board of Selectmen

From: Christopher Clark
Town Administrator 

Re: Permitting Related to Beach Nourishment

Date: May 23, 2017

Administration working in close coordination with our Harbormaster, has been attempting to revise and improve our current permitting situation for beach re-nourishment. Our current permits are done on an area basis and are limited to five years. Due to the varying ending times of these permits, the Town must continually engage outside engineering assistance to maintain the wide variety of permits. During FY 17, we have made a more concerted effort to apply for one town-wide permit that will last for 10 years and will cover all areas of the Town. Our previous permits were primarily focused on beach re-nourishment above the high tide line. We do have some areas along our coastline where re-nourishment should be done below the mean high water mark to preserve a beach. We originally sought to have the permit application include a town-wide provision for those areas which this may occur. We were advised by our consultant that such a broad-based request would be too much to request from our conservation regulators. The decision was made to focus on the areas of greatest need and to limit the request just to those areas. This area was between Pleasant Road Beach and Brooks Road. Due to a dispute and a settlement agreement regarding Public Beach 22 which is located in this area, we can see how some residents would express concern that this action would be contrary to the settlement agreement. Administration and the Harbormaster have decided to withdraw the element of beach re-nourishment below the high-water mark at this time. We believe it is far more important to obtain a town-wide permit that will last for 10 years in lieu of the current permitting situation. I just wanted to provide some clarity regarding this issue as we work our way through our current permit application.

CC: John Rendon, Harbormaster
Amy Usowski, Conservation Agent

Related Documents - May 30, 2017 BOS Meeting

01 Agenda.pdf
02 Minutes May 15 Regular Session.pdf
03 Human Services Grant Funding.pdf
04 Town Wide Radio System.pdf
05 Coastal Resilience Grant.pdf
06 Tax Lien Process.pdf
07 Fratus License Agreement.pdf
08 Selectmen's Summer Mtg Schedule.pdf