

APPROVED

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, NOVEMBER 14, 2016
6:30 P.M.**

SELECTMEN PRESENT: Brown, Hughes, LaMantia, MacAskill

OTHERS PRESENT: Town Administrator Christopher Clark, Assistant Town Administrator Charleen Greenhalgh, Jeremy Gingras, Richard Waystack, Richard Larios, Bruce Nightingale, Jay Kavanagh, Jack Brown, Dana DeCosta, Noreen Donahue, Ed McManus, Larry Ballantine, and others.

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

CONSENT AGENDA

- A. Minutes:
 - 1. October 24, 2016 Executive Session
 - 2. October 24, 2016 Regular Session
 - 3. October 31, 2016 Regular Session
- B. Accept the resignation of Patrick Foley as a Student Police Recruit
- C. Confirm appointment of Paul Viera to the position of Foremen/Plumber for the DPW
- D. Approve the recommendation of the Recreation and Youth Commission to award the contract for "Fencing at Whitehouse Field" to Green Acres Landscape & Construction for a total price of \$55,532

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

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

- A. Annual Meetings with the Board of Selectmen
 - 1. Capital Outlay Committee

Mr. Larios delivered the annual report of the Capital Outlay Committee.

- 2. Board of Assessors

Mr. Waystack requested that the Board postpone the Classification Hearing scheduled for tonight due to the lack of the Department of Revenue's certification. He then delivered the annual report of the Board of Assessors.

- 3. Finance Committee

Mr. Brown delivered the annual report of the Finance Committee. He noted that they were asked to provide an opinion as to whether they should continue to evaluate all articles or just the cost ones and last Thursday they voted unanimously on a 7-0 vote to continue the current arrangement to vote on all

articles. Mr. DeCosta pointed out areas of the Charter that substantiate this practice including Sections 9-3-3, 271-14 and 271-16.

B. Public Hearing – Classification Hearing – Board of Assessors

Ms. Brown read the hearing notice into record. Mr. MacAskill opened the hearing and noted that they would continue it until November 28. It was a unanimous vote of the Board.

C. Public Hearing – Adoption of Noise By-Law Standard for Entertainment Licenses and Adoption of Uniform Hours of Entertainment

Ms. Brown read the hearing notice into record and Chairman MacAskill opened the hearing. Mr. Clark reviewed his letter to the Board of October 11, 2016 as follows:

The Town of Harwich Noise By-Law states that “It shall be unlawful for any person or persons to cause or allow any noise which emanates from any building, boat, structure, vehicle, premises, or any sound amplification system, which is plainly audible at a distance of 150 feet from any such building, boat, structure, vehicle, premises or sound amplification system.”

Currently all Entertainment Licenses issued by the Board indicate that noise levels are not to exceed the licensed premises. I recommend that the Board vote to remove this language from the licenses therefore changing the standard that music within a dwelling should be contained within the building. Any music, inside or outside, should adopt the standard used in the Noise By-Law.

In addition, in the interest of maintaining a harmonious balance in this commercial/residential district, I recommend that the Board vote to adopt uniform hours for Entertainment Licenses for license holders along the Route 28 corridor in Harwich Port as follows:

Mondays and Tuesdays	No Entertainment
Wednesday, Thursdays & Sundays	Entertainment ending at 10:00 p.m.
Fridays and Saturdays	Entertainment ending at 11:00 p.m.

Mr. Clark stated that after some discussions today he would suggest allowing entertainment on Mondays and Tuesdays but with no amplification.

Mr. Gingras asked if the “150’ plainly audible” regulation goes into effect after 10:00 p.m. He noted that it is difficult to find someone to play unamplified music and he pointed out that even radios are amplified. He stressed that the season for outdoor music is only 8 to 14 weeks and that doesn’t account for inclement weather and this would be a significant loss. He stated that we have some great really high end restaurants from which the Town has benefited financially and right now we are looking at a 12.5% increase over last year in meals tax. He stated that we are making significant headway and noted that restaurants also bring in lodging revenue.

Mr. Hughes said he is not in favor of not having music on Monday and Tuesdays as people who are on vacation want entertainment every day and this sends a message that says don’t come to Harwich on Mondays and Tuesdays because we don’t want you. Ms. Brown agreed with Mr. Hughes not only for the people on vacation but for the people who work here. She noted that we have to differentiate

between indoor and outdoor entertainment. Mr. LaMantia stated that things that are permitted by the Town are exempt from the Noise By-Law so therefore you don't need to worry about the 10:00 p.m. to 7:00 a.m. regulation. He noted that he has heard noise complaints over the years and that is what led to this by-law. Mr. Gingras said the restaurant owners have a willingness to be good neighbors. He said the indoor and outdoor venues are two separate items.

Walter Mason of Miles Street, Harwich Port, said Harwich Port is a village and spoke in support of business and the music. He said we have improved the Town and music has a lot to do with that.

Chief Guillemette responded to a question from a citizen about enforcement. Chief Guillemette noted that if this is changed in any way then the Liquor License regulations Section 1.09 would have to be amended as well as it relates to entertainment.

Mr. Clark and Chief Guillemette responded to a question from Bob Nickerson regarding decibel standards. Chief Guillemette said the entertainment license takes precedence over the by-law. Mr. Nickerson said he had no problem with having music rather he is concerned with just with how far it can travel. He commented that there needs to be some fairness to the residents.

Ms. Brown suggested having outdoor entertainment 100% acoustic in Harwich Port where everything is so clustered. Mr. Gingras responded that that would kill all outdoor entertainment because no one will do it. He said the more contingencies you put on a license, the more complicated it gets.

Mr. Hughes suggested having uniform standard outside entertainment from 6:00 p.m. to 10:00 p.m. and Mr. Gingras thought 5:00 p.m. would be better as it is the dinner hour. Mr. Gingras asked when the "150' plainly audible" regulation would kick in and Mr. Clark responded after 10:00 p.m.

Wendy Walker of Bank Street said she has issues with the music being too loud. She spoke specifically of Ember noting that they have speakers on even when it's raining with no one is sitting outside. She said she doesn't have a problem with it being every night of the week but she just doesn't want it so loud.

Mr. Clark responded to questions from Mary Olson, who was representing Perks, about the 150' regulation as it pertains to entertainment licenses. She stated that the reality is that the main street is noisy and the real problem is the volume. She suggested a pilot study using decibel meters and stressed that amplification is vital to survive.

Dillon Murphy from Land Ho suggested that a log of complaints to the Police be available to them so they can find the root of the problem and be proactive. He said he would rather have music when there is more white noise, such as people and traffic and he said limiting the earliness of this is bad. He said he sometimes starts his music at 3:00 p.m. He said the neighbors should call the restaurant rather than call the Police.

Chairman MacAskill said he would like to rewrite this and look into the liquor regulations as suggested by the Chief. Ms. Brown moved to continue the hearing to December 5, 2016. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

- D. Preliminary meeting with the Finance Committee to discuss the following:
 - 1. Guidelines for the FY 18 Monomoy Regional School District Budget
 - 2. Free cash and distribution plan

3. Capital plan
4. Debt schedule
5. Budget / warrant review plan

The Board discussed the above-referenced topics with the Finance Committee. With regard to #1, Mr. Clark noted that we put together a 5 year projection and we have a 3.25% overall increase factored in. Supt. Carpenter took questions from Finance Committee Chair Rich Larios. Supt. Carpenter commented that it is very early on in the process and a significant driver this year is going to be health insurance. With regard to #2, Mr. Hughes stated that free cash came in at approximately \$2 million and suggested putting some of that in reserves. Mr. Clark reported that we were certified at \$1.9 million of which \$1 million is for Capital Plan items and \$500,000 for snow and ice, and if we don't use all snow and ice then he recommends putting what we don't use into reserves. He further noted that we owe \$72,000 to the Harwich Conservation Trust on the Sutphin property and we have funded the Middle School at \$125,000. Mr. Brown said he firmly supports adding to the stabilization fund or OPEB. Mr. DeCosta stressed that adding to reserves should not be on the backs of the taxpayers. With regard to #3, Mr. Larios stressed the need to evaluate our priorities and noted that we are working toward a finished Capital Plan and it would be far better to discuss it then. With regard to #4, Mr. Clark stated that we did include a debt schedule model as part of our 5 year plan and he provided a brief overview of his recommended approach. Mr. Hughes stated that is an important tool we will need for when we get to the Capital Plan, Ms. Brown encouraged use of more powerful graphics, and wastewater funding was discussed. Mr. LaMantia stated that we have to encourage those people who have fees to make sure they are competitive with the other towns. With regard to #5, Mr. Hughes advocated for an all day Saturday event and the Finance Committee agreed. A February timeframe was discussed. Ms. Donahue said we should discuss putting the votes of the Board in the Warrant and Mr. Hughes responded that it was a great idea.

OLD BUSINESS

A. Recommendation to disband the Architectural Advisory Committee

Ms. Greenhalgh provided a brief history of the Committee noting that they are completely advisory only. She stated that their charge has basically been taken away from them starting in 1986 and there is no provision for it any longer so it is up to the Board whether they want them to continue. She added that they have no guidelines or policy procedures manual. Mr. MacAskill stated that he and Ms. Greenhalgh met with Ms. Josselyn and she does not want to see the committee disbanded and she also thinks the planning people should look at their work more. He noted that they discussed the timelines and she said they will meet more regularly. Mr. LaMantia said he was not in favor of disbanding. Mr. Hughes said they should take a shot at a charge that defines their role and responsibility and bring it back. Chairman MacAskill said he would follow through with that.

B. VisiGov discussion

Chairman MacAskill stated that VisiGov is coming forward with a new version and that Mr. LaMantia, Mr. Clark and Mr. Gould had been provided with an overview. He suggested that we use what we have as a basis to put something online along with an explanation that these other accounts including Waterways and Golf have revenue funds that we do collect money on for grants. Mr. LaMantia stated that it was very clear from the presentation that they are in the process of updating and doing a new form of their software and also that they are running into a number of problems with some of their towns. He explained that one of the things that makes us very different from other towns is

that we don't do our revenue in an enterprise fund form. He said they are working diligently and will keep Mr. Clark and Mr. Gould informed over the next 60 days as to their progress. He said the way they do it gives people at Town Meeting the wrong number and there is no benefit to using their numbers and it will just confuse people. He stressed that it is important to be as transparent as we can and he would like to wait until January as using the current information would be dangerous. Mr. Clark agreed that it makes sense to wait until January to see if they can make improvements.

TOWN ADMINISTRATOR'S REPORT

A. Contract Agreement for Improvements at Cranberry Valley Golf Course

Mr. Clark stated that this agreement for improvements at the Golf Course comes from golf funds and the low bidder came in at \$47,850.

SELECTMEN'S REPORT

- A. Wastewater Update:**
1. IMA highlights
 2. Harwich Cost proposal methodology

Mr. Hughes reported that the committees haven't met since June but they were given the actual numbers associated with the costs. He said they are looking at a schedule for starting the flow in the year 2021 and it will be a 12 year old plant at the time. He noted that they have asked Dave Young to look at what other towns have done in similar situations and his company has worked on several for which they accounted for depreciation. He stated that they put a model together for the rationale for the numbers which Mr. Young has reviewed and they defined a payment schedule as well which they have sent to Chatham. He reported that right now we are trying to set up the next meeting.

B. Committee Vacancy Listing for November

Ms. Brown read the list of committee vacancies.

ADJOURNMENT

Mr. Hughes moved to adjourn at 9:12 p.m. Ms. Brown seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary

Related Documents - 11/14/16

- 01 Agenda.pdf
- 02 Minutes - Oct 24.pdf
- 03 Minutes - Oct 31.pdf
- 04 P Foley Resignation.pdf
- 05 DPW Appointment.pdf
- 06 Whitehouse Field Fencing Contract.pdf
- 07 Annual Mtg - Capital Outlay.pdf
- 08 Annual Mtg - Board of Assessors.pdf
- 09 Annual Mtg - Finance Committee.pdf
- 10 Public Hearing - Classification Hearing.pdf
- 11 - Public Hearing - Entertainment Lic Noise-Hours.pdf
- 12 Preliminary Mtg with Finance Committee.pdf
- 13 Architectural Advisory Committee.pdf
- 14 TA Rpt - Contract for Improvements to CVGC.pdf
- 15 Committee Vacancies - Nov 2016.pdf