

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, OCTOBER 17, 2016
6:30 P.M.**

APPROVED

SELECTMEN PRESENT: Brown, Hughes, Kavanagh, LaMantia

OTHERS PRESENT: Town Administrator Christopher Clark, Assistant Town Administrator Charleen Greenhalgh, Chief Guillemette, Andy Gould, Barbara-Anne Foley, Carolyn Carey, Richard Houston, Larry Cole, Jeremy Gingras, Joanne Rys, Christine Joyce, Peg Rose, Matt Cushing, and others.

MEETING CALLED TO ORDER at 6:30 p.m. by Vice-Chairman Hughes.

WEEKLY BRIEFING

Ms. Foley provided a report on the recent Housing Summit held at the Community Center.

Mr. Cole reported on the recent election of officers at CVEC noting that Mr. Cakounes has been elected president. He noted that if Barnstable votes favorably on the Round 1 Adder then CVEC will be coming back to talk with Harwich. He added that CVEC is going ahead with a Round 2 Photovoltaic Project and said he would be in touch with Mr. Clark about potential sites.

Ms. Foley and Ms. Carey discussed upcoming events at the Community Center.

PUBLIC COMMENT/ANNOUNCEMENTS

The Board took comments from Ms. Rys and Mr. Houston on Ballot Question 2.

CONSENT AGENDA

- A. Approve the addition of "Rule #20" (Use of Drones on Harwich Beaches) to the Town of Harwich Beach Rules and Regulations per the request of the Recreation and Youth Commission
- B. Accept the resignation of Sharon Stover-Gleason from the Youth Services Committee
- C. Accept the resignation of Miranda Dupuy from the Historical/Historic District Commission
- D. Approve and sign the November 8, 2016 Presidential Election Warrant
- E. Accept the gift of \$200 to the Community Center Gift Account for the purchase of candy for the annual Halloween event

Ms. Kavanagh moved approval of the Consent Agenda. Mr. LaMantia 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. Voter Information Committee

Ms. Joyce and Ms. Rose provided the annual report of the Voter Information Committee and took questions and comments from the Board.

2. Bikeways Committee

Mr. Glynn provided the annual report of the Bikeways Committee and took questions and comments from the Board.

3. Trails Committee

Mr. Cushing provided the annual report of the Trails Committee and took questions and comments from the Board.

4. Historical/Historic District Commission

No one appeared before the Board.

B. VisiGov Presentation

Ms. Lacourt of Visual Government, participating remotely, and Mr. Gould provided a visual walkthrough tour of the site including Harwich budget graphics. She took questions from Mr. Clark and the Board. Ms. Lacourt stated that it is ready and in order to go live all you have to do is link it to your website and send a press release. Mr. Hughes said we should get the reaction of the Finance Committee to this. Mr. LaMantia requested to be provided with a printed copy of the presentation and he stressed that the numbers need to be accurate. Mr. Hughes suggested that Mr. LaMantia meet with Mr. Clark and Mr. Gould and go over this to make sure we all understand the approach to take moving forward. Mr. LaMantia recommended looking at Series 2 and Mr. Clark stated that if Series 2 includes not only local property taxes but also local fees then that would solve a lot of the problems we have. Mr. LaMantia pointed out that a lot of departments use grants also. It was agreed that Mr. LaMantia, Mr. Gould and Mr. Clark would get together and sort this out.

OLD BUSINESS

A. Chloe's Path, Harwich – Transfer of Lot 8

Mr. Clark reported that the Board had received a request to accept parcel 8 under Chloe's Path subdivision and in order for it to be a conservation piece there has to be acceptance of the property. He added that the Conservation Commission has approved the conservation restriction.

Ms. Brown moved to approve the acceptance of Lot 8 of Chloe's Path for conservation and passive recreation purposes. Mr. Clark clarified the motion as follows: On this day the Town of Harwich acting by and through its Board of Selectmen, hereby approves of the Harwich

Conservation Commission's acceptance of the foregoing deed to property located at Chloe's Path, Harwich, for conservation and passive recreation purposes provided under Massachusetts General Law, Chapter 40, Section 8C and access via Forest Street. Ms. Brown agreed to the clarified motion. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

NEW BUSINESS

A. Appeal of Waterways decision by Captain James M. Luce to amend the Harbor Management Plan Section 7.0 – Slip Regulations/Town Owned Marina

Mr. Rendon explained that Mr. Jim Luce is currently a charter boat captain out of Saquatucket Harbor, and that his father, Mr. Bob Luce, longtime charter boat captain working out of Harwich for 30-40 years passed away in December 2012. He explained that the way our regulations currently read is that when a slip permit holder is deceased it can be transferred to the spouse but not to the next generation. He noted that this slip transferred to Mr. Bob Luce's wife on his passing. He stated that upon his death, his son Jim picked up his father's charter business and has been running it since. He noted that his mother passed away recently and the situation is that the permit does not automatically transfer to Jim. He stressed that our regulations haven't changed and have been in place for some time. Mr. Rendon noted that Jim did come before the Waterways Committee and he has provided a letter of response providing his justification for not changing the regulations and allowing Jim to retain the slip upon death of his mother. He stated that the Waterways Committee unanimously supported his position which is based on the regulations. He said he has great sympathy for Jim but we have a wait list currently in place and making this change would have a significant impact on the wait list which people have been on since 1999. He commented that sadly Jim didn't get himself on the wait list but noted that he is now on the wait list as of 2013 but he has a significant wait.

Mr. Luce stated it is 80% recreation and 20% commercial and the Board needs to think about that. He said he is trying to make a living and didn't expect his parents to die so young. He said that in Chatham, if it's a commercial fisherman the permit goes to the son. He said he doesn't like the way the rules are because it's based upon death and his mother wished for him to take over the business. He commented that he is not a newcomer to Harwich and it would have worked if his parents lived into their 80's. He further commented that his father was one of the best bass fisherman in the world and everybody knew him. He said he didn't know if he would be good as a charter boat captain. He said there are kids on the list and he wishes something could be done for somebody like him. He said he doesn't see why he can't have his father's business and legacy live on.

Mr. Hughes said it's a town asset and there isn't anything that says that slips are awarded in perpetuity and that it stays in your family generation after generation.

Mr. Rendon said there is a difference between commercial fishing and charter fishing. He noted that Mr. Luce's parents had a charter permit for charter fishing not a commercial permit. He pointed out that Chatham does not have any slips, they have moorings and they don't automatically transfer their off-loading permits to the next generation. Mr. Rendon took questions from the Board.

Mr. LaMantia moved to support the Waterways Committee's recommendation. Ms. Brown seconded the motion after discussion regarding whether businesses should be treated different than recreation. Ms. Brown recommended that they think about this going forward and Ms. Kavanagh agreed that it should be looked at closer. The motion carried by a 3-1-0 vote with Ms. Kavanagh in opposition.

- B. Request by Harwich Mariners Athletic Association to build a restroom facility at Whitehouse Field with their own funding as a gift to the Town

After discussion, Ms. Kavanagh moved to approve the license agreement between the Town of Harwich and the Harwich Mariners Athletic Association to build a restroom facility at Whitehouse Field with their own funding as a gift to the Town. Ms. Brown seconded the motion and the motion carried by a unanimous vote.

- C. Request by "Massachusetts State Police WIVES" to place blue ribbons in or around the center of Harwich in support of all our Law Enforcement

Robin Culver of Massachusetts State Police WIVES stated that their mission is to spread support and recognition. Mr. Hughes asked where they would be placing the ribbons and Ms. Culver responded in front of the Police Department, at the gazebo in Harwich Center, and wherever else the Board would allow. She noted that they make the ribbons themselves and would like to have them up through Thanksgiving. Ms. Brown suggested putting them in front of the Middle School. Mr. Clark suggested Ms. Culver come in and go through some of the locations with him. Ms. Brown moved to approve the request by the WIVES of state troopers to spread blue ribbons and tie them around town properties in support of police. Ms. Kavanagh seconded the motion and the motion carried by a unanimous vote.

- D. Town Administrator's recommendation to adopt Noise By-Law as standard used for all Entertainment Licenses and adopt uniform hours for Entertainment Licenses along Route 28 corridor in Harwich Port

Mr. Clark reviewed his memo to the Board of October 11th 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.

He explained that there is some inconsistency in the hours of entertainment. He noted that we currently include the language "Noise Level Not To Exceed Licensed Premises" on the licenses. He explained that this language envisions having music inside so you can close the doors and control it but the problem is we have establishments with music inside and outside and with outside that standard doesn't exist as we have no walls and any noise beyond 150 feet would be a violation of the Noise By-Law. Mr. Hughes recommended the Board hold a public hearing to get feedback from businesses and the public. Chief Guillemette said this is a very contentious issue and appreciated the idea of a hearing. He said he is concerned that if we issue licenses that state "Noise Level Not To Exceed Licensed Premises" then we are setting them up for failure if they have outside entertainment. Ms. Brown commented that she doesn't agree with taking away Monday and Tuesday entertainment. She noted that we should include Jake Rooney's on the list and possibly make outdoor entertainment limited to acoustic only. Mr. LaMantia moved to take this to a public hearing. Ms. Brown seconded the motion and the motion carried by a unanimous vote.

TOWN ADMINISTRATOR'S REPORT

A. Town Administrator's FY 17 Goals and Objectives

Mr. Clark stated that he selected 12 of the 45 items submitted by the Board which he thought were reasonable for him to accomplish over the next year. He recommended bringing this item back next week. No action was taken by the Board.

B. DEP Superseding Order of Conditions for 11 Harbor Way

Mr. Clark reported that there has been a lot of interest in 11 Harbor Way that the town had interest in and was acquired by a private party. He noted that there is a DEP Order of Conditions that allows a shellfish lab to move forward at the site.

C. Public Meeting – Tuesday, October 18 at 2:00 p.m. to discuss Rte. 39/Pleasant Bay Road traffic safety options

Mr. Clark announced the above-referenced meeting.

D. Action Item Register update

Ms. Kavanagh stated that she was interested in bringing back Ballot Question 2. Mr. Clark and Ms. Brown stressed that Town funds cannot be used to discuss this. Mr. LaMantia suggested

having Mr. Houston come in again but the Board stay out of it. Mr. Hughes said the Chairman should sort this out. Mr. Hughes added that completed items on the Action Item Register should be noted in red. It was agreed that the waterways item regarding the wait list for charter boats discussed earlier tonight should go on the register.

E. Accela Citizen's Access

Mr. Clark reported that we have a webpage that is rolled out on Community Development. He said we will group these and show people what we have available and noted that there are now 15 items available for the public.

F. Budget Warrant Timeline update

Mr. Clark noted that the next threshold on the timeline is for release of information to departments on how to construct their budgets. He noted that a summary of capital budget items received to date has been provided to the Board.

ADJOURNMENT

Mr. Hughes adjourned the meeting at 8:33 p.m.

Respectfully submitted,

Ann Steidel
Board Secretary

Related Documents - BOS Meeting 10-17-16

- 01 Agenda.pdf
- 02 Weekly Briefing - Housing Summit.pdf
- 03 Recreation Rules and Regs - Drones.pdf
- 04 Resignation - Youth Services.pdf
- 05 Resignation - Historic.pdf
- 06 Presidential Election Warrant.pdf
- 07 Gift to Community Center.pdf
- 08 Voter Information Annual Rpt.pdf
- 09 Chloe's Path - Lot 8.pdf
- 10 James Luce Waterways Appeal.pdf
- 11 Mariner's Athletic Assn Restroom.pdf
- 12 Mariner's - License to construct restroom.pdf
- 13 Mass State Police Wives blue ribbon program.pdf
- 14 Entertainment License Conditions.pdf
- 15 TA Goals and Objectives.pdf
- 16 DEP Superseding Order of Conditions - 11 Harbor Way.pdf
- 17 Rte. 39 -Pleasant Bay Road Meeting.pdf
- 18 Action Item Register.pdf
- 19 Accela Citizen Access.pdf
- 20 Budget Warrant Timeline.pdf