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**MINUTES  
SELECTMEN'S MEETING  
REMOTE PARTICIPATION ONLY**

**TUESDAY, JANUARY 19, 2021**

**5:00 P.M. (Executive Session)**

**6:00 P.M. (Regular Meeting)**

RELEASED

APPROVED

**SELECTMEN PARTICIPATING:** Larry Ballantine, Donald Howell, Michael MacAskill, Stephen Ford, Edward McManus

**ALSO PARTICIPATING:** Town Administrator Joseph F. Powers

**CALL TO ORDER:** Chairman Ballantine opened with a roll call, 5 members present.

**NEW BUSINESS**

- A. Discussion and possible vote to amend Interim Town Administrator's appointment and contract, including the deletion of all references to Interim resulting in the appointment being that of Town Administrator.

**Mr. Howell moved that the Board of Selectmen converts the Interim Town Administrator's appointment to that of Town Administrator and that all references to Interim in his contract be deleted. He further moved that the board authorize the chair to enter into negotiations for a three year extension of the Administrator's contract with terms and conditions that may be acceptable to both parties. 2nd by Mr. Ford.**

Mr. MacAskill voiced an opinion about the procedure as well as commending Interim Town Administrator Powers for his performance thus far. Mr. Howell also commended Interim Town Administrator Powers and is very much in favor of this motion but felt that Mr. MacAskill had turned the issue around. Mr. MacAskill clarified his explanation of his comments. Mr. Ford commented in favor of the motion as did Mr. McManus.

**The vote was 4-1-0 with Mr. Ballantine, Mr.. Howell, Mr. Ford and Mr. McManus voting aye and Mr. MacAskill voting nay.**

**WEEKLY BRIEFING**

- A. COVID-19 Updates

Town Administrator Powers introduced Meggan Eldredge, Health Director, to speak as the Health Department is also meeting at this time. Ms. Eldredge reported that the Town of Harwich remains in the red as is most of the Cape and reported statistics. Vaccine clinics have started for first responders. They are working as a health agents group to vaccinate the high risk population in phase 3 and partner with neighbors to do a regional clinic to serve a larger population. There is not a sign up list at this point. The county has opened a COVID help line. Ms. Eldredge explained the details of each phase, that testing is still underway at various locations and the trends regarding the new variant.

- B. Update on ongoing efforts by the Town in support of the business community,

Executive Director of Chamber of Commerce Cynthia Williams reported doing a radio spot promoting shopping on line in Harwich for restaurants and small businesses, that will run through March. Ms. Williams commented that there are more people around than usual for winter, going to restaurants and shopping.

### **PUBLIC COMMENTS/ANNOUNCEMENT**

No public comments were heard.

### **ANNUAL COMMITTEE PRESENTATIONS**

#### **A. Forest Committee**

No presentations made. Mr. MacAskill noted that there is no active Forest Committee and he asked that the staff and the Interview Committee give the Board a list of what's populated with who to avoid putting committees on who aren't actually meeting. The Forest Committee is required by the state and should be populated. A list is being compiled by Anita and Patty and will be shared when completed. Mr. Howell has concerns about the process and correctly following procedure as to appointing people to committees.

Mr. Ballantine suggested that, with Town Administrator Powers' help, Patty and Anita clarify and identify names on each committee and get all the data correct. He also suggests that we need an agenda item on the process. Mr. McManus

Mr. Howell noted that in addition to that, there also needs to be a document instructing people how to resign from a committee, there needs to be a letter, not just a verbal notice. Also, needed is a feedback loop between the Administrator's office and the Clerk's Office so that once an appointment is made and a letter goes out and that person shows up, that information needs to go to the Selectmen to complete the process. The interview committee is meeting tomorrow and will discuss these issues.

#### **B. Golf Committee**

Clement Smith referred to an outline he had submitted to the Selectmen. He noted a few things not on the report. COVID had made things challenging, especially the number of people still here has put a strain on their operations, and they are running at a maximum plus. Revenue wise, they're trending in the right direction and he commends the committee for their interest and the contractors working on the projects as well as other people who have been involved. The Golf Committee has maintained their biyearly relationship with the Massachusetts Golf Association which has been very helpful. This spring they will be looking at their irrigation infrastructure, to avoid having to invest significant amounts of money at one time. Also, their initiatives as far as junior golf is concerned is paying great dividends. For long range planning purposes, they are engaged in a plan to create forward tees as a shorter golf course is more accommodating aging golfers, also in the planning stages is a three hole junior golf course initiative, another initiative is nursery/putting complex designed for senior citizen activity. The solar farm will be completed by April 1st. Report completed.

Clara McClardy expressed concern regarding the fertilizers and pesticides used at the golf club. She had a number of questions in about those chemicals.

Mr. MacAskill complimented everyone at Cranberry Valley Golf Club for their outstanding efforts. He also suggested that they pass on Ms. McClardy's concerns to Shawn Fernandez of the golf course and ask him to share an outline to address concerns.

Mr. Howell expressed that he feels that, when people show up for a meeting and express concerns, those concerns should be addressed.

C. Finance Committee

Jon Chorey reported on the status of the committee, one new member and one opening. Minutes are being posted on a regular basis. Members' email addresses are available to address questions, many questions are covered on their web site.

Highlighted items: working toward collecting past due property taxes, working through approved town warrant articles that have not been completed, discussion with the Selectmen on their plan for the Cultural Center, reevaluating fees for town sponsored programs, a comprehensive report of the town's debt from 2020-2050 and potential selling of town property that would bring in tax revenue. The committee thanked Dana DeCosta for all his efforts, help and guidance through a difficult time.

Mr. MacAskill thanked Mr. Chorey. He noted that town email addresses should be a must for every member of every committee and the Selectmen, for transparency, open meeting laws etc. and they should be on the town's web site. He also clarified that Mary Anderson has been sworn in as a committee member. In regards to collecting property taxes, Mr. MacAskill asked if the Finance Committee is involved in that process or making recommendations on the amount of money outstanding. Mr. Chorey replied that he feels the amount due should include unpaid taxes, interest, unknown owners and attorney fees. Mr. Shorey feels that his role is to make the public aware of the number and would like to know if it can be pursued more aggressively.

Mr. MacAskill is hoping to have a meeting the near future to discuss those numbers and what is left on the articles referred to.

**PUBLIC HEARING/PRESENTATIONS**

There were no public hearings or presentations.

**CONSENT AGENDA**

No items listed.

**NEW BUSINESS-Continued**

B. Discussion and possible vote-Board of Selectman meeting minutes

1. January 6, 2021, Mr. Howell noted a corrections on page 7, GOING TO OPED , not OPED last paragraph also the date is not 2021 it is 2020. The date on the minutes is correct, it's on the agenda incorrectly. Mr. Ballantine will have it corrected and bring it back. Mr. MacAskill noted that on page 15 the word "that" should be corrected to "what" at the top of the page in the context of a question posed. He noted, other than those few errors, the minutes are a true reflection of what was discussed and include a lot of detail.

C. Discussion and possible vote-License agreement with Robert Miller-Golf teaching pro

**Mr. MacAskill moved to approve this License agreement with Robert Miller-Golf teaching pro as presented, 2nd by Mr. Howell.**

Mr. MacAskill referred to a previous request for a reduced license fee and asked what they were in the past and if the fee had been reduced. Mr. Greer, the Director of Golf, explained that Mr. Miller just completed a 5 year deal and it was a 3 year license agreement. He had asked for a reduction due to COVID and the restriction he had this year, it was a one year event only. This new license agreement follows the original payment schedule of \$5,000 and increases by 5% each year.

Mr. MacAskill's follow up question is why at the end of 5 years, is the present amount of \$5000 ending at \$7000.

Mr. Greer explained that the cap is needed in order for the golf pro to make any profit.

Mr. MacAskill asked Mr. Greer to email him the numbers of the first 5 years for his records and if this is the only golf instructor the town has or if there are more.

Mr. Greer answered that because it's a license and not a lease, it's nonexclusive. The Miller golf license covers an entire team of instructors to accommodate all the golfers that need instruction.

Mr. MacAskill noted that it would be helpful if it was noted in the presentation that the committee voted to support it. Mr. Greer assured the selectmen that the committee was in favor of this and he'll include the vote in his next report and presentation.

**The vote was 5-0-0 with Mr. Howell, Mr. MacAskill, Mr. Ford, Mr. McManus and Mr. Ballantine voting aye by roll call.**

D. Item D deleted from the agenda.

E. Discussion and possible vote approving Section 1.07 of the Harwich Board of Selectmen Liquor License Regulation's request for closure by licensed establishments:

1. Cape Sea Grille-31 Sea Street

**Mr. MacAskill moved to approve Section 1.07 of the Harwich Board of Selectmen Liquor License Regulation's request for closure by licensed establishment Cape Sea Grille-31 Sea Street from February 21st to February 28th for cleaning and updating. 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Mr. Howell, Mr. Ford, Mr. McManus and Mr. Ballantine voting aye at roll call.**

### **OLD BUSINESS**

A. Discussion and possible vote for Mass DOT's Shared Streets Grants program Application

Town of Harwich Engineer Griffin and Katy Sawyer from Tool Design were present. They have developed a couple of alternatives which are in the packet. One last minute change was to extend the limits to the east which is included in the latest update. Mr. Ryder explains that it's a tight corridor and in order to provide for the shared spaces we need to reduce parking on one side or the other of the street. They have a couple of alternatives through this grant program to provide for either pedestrian or dining space.

Both alternatives were described. After a walking tour last Wednesday, they came up with a third alternative which includes shifting the travel lanes, which would receive parking and dining space on the south side of the street. There are challenges and a geometric concern so they have stepped away from this alternative and are presenting the two alternatives before the Selectmen. Explanation of those alternative were offered. Alternative one provides for parking and dining space on the south side. Alternative two provides for parking on the north side and small dining spaces on the south side. They also extended to the east near the library to pick up a couple of cross walks in that area.

Mr. Ryder noted one mistake on the plans, one label that says Bank Street, it is Oak Street, just a scribbles error.

Mr. McManus, who was on the walk through noted that there was some concern on the south side of eliminating all of the parallel parking spaces to add extra pedestrian space. Many of the businesses on the south side of the street do have parking resources either beside or behind their building. Other issues they were looking at were trying to make the area more comfortable for pedestrians by narrowing the travel way with pedestrian bump outs and better marking of the crosswalks. Mr. Ryder noted a couple of other towns which, at the crosswalks, they raise the crosswalks to create a speed table effect. He suggested that be done from the library through the district. The other major effort will be, to help businesses flourish in this time of restriction, they are trying to reinforce the connection with the business district and the bike trail. That would be separate and apart from this proposal.

Town Administrator Powers mentioned his thoughts and the Shared Streets Grant, adhering to the name and that it's an attempt to help the commercial industry to try and adapt to these difficult times. He feels this is not is a long term thing but needs to be included, he also submitted it for the January 29th meeting, mentioned bike and pedestrian traffic, to-go business and people having an outside place to eat. He feels they are in the right direction, would like to get the application going and hope they get support from the restaurant association.

Mr. MacAskill noted that they're doing their best to do the best fit within the program which has limitations. He thanked Katy and Tool for their help in this project.

Katy Sawyer added that they are looking to submit the application next Friday. There is plenty of time to work out details, they're just looking for an estimate of costs etc now.

Mr. Howell asked if they have to pick out the alternative tonight.

Mr. Ryder said no decision has to be made but if there's an inkling for one or the other they can from with that as a basis for pricing.

Town Administrator Powers noted that, as has been stated, if the town is progressing to a January 2021 submittal, they shouldn't wait until the last day, there is a tight time frame from award of grant to project completion and appropriations spent which is May 31st. He asked that given the Board's schedule next week, would the Board be looking to give final approval or final authorization at the meeting next week prior to the submittal of the application.

Mr. Ballantine asked if they could vote on the alternatives tonight so they can get the application in and then come back with final design.

Town Administrator Powers said that yes, they can do that if the Board is comfortable without having the final design.

**Mr. McManus moved that they authorize staff to finish the completion of the application and submit it for the January 29th period, 2nd by Mr. Ford.**

Mr. MacAskill asked if the motion is enough or do they have to pick a concept.

Mr. Ryder confirmed that the motion is enough based on the work he and Katy have done.

**The vote was 5-0-0 with Mr. MacAskill, Mr. Howell, Mr. McManus, Mr. Ford and Mr. Ballantine voting aye at roll call.**

#### **B. Discussion and Possible vote-Capital Outlay Plan-Draft**

Town Administrator Powers explained that the reason there was no material in the packet is that the Capital Outlay Committee met last week and are meeting again on Wednesday the 20th to go over the plan for 2022 and to incorporate that in the overall scope of the Capital Outlay Plan so that they'll come back with a fully vetted plan next week. He requested that the Board hold off a week.

Mr. Ballantine said that they'd bring it back next week

#### **CONTRACTS**

**A. Discussion and possible vote for the Board of Selectmen Chairman to execute Phase 2 Contract 1 Sewer Construction Change Order #4 with Robert B. Our Company for \$26,848.00.**

**B. Discussion and possible vote for the Board of Selectmen Chairman to execute Phase 2 Contract 2 Sewer Construction Change Order #3 with RJV Construction Corporation for \$74,170.00**

Town Administrator Powers built off of what the town engineer has submitted in his memo. Both of these change orders, regardless of the amount, go before the Board and as you'll see in the exceptional information that was provided, they're recommending approval of both Orders. He pointed out the impact that these Orders have on the overall funding that is available through each of these contingency line items.

**Mr. MacAskill moved that the Board approve Phase 2 Contract 1 Sewer Construction Change Order #4 with Robert B. Our for \$26,848.00, 2nd by Mr. McManus**

Mr. MacAskill noted that he had previously brought up that the Board come up with a "What went right and what went wrong?" and hopes that the Board still supports this. He mentioned another Change Order regarding for a shingle change that took months to get approved. He hopes the Board will support this as they move forward to other projects without knowing where mistakes were made.

Mr. Ballantine commented that they'll take some time to do that.

**The vote was 4-0-1 With Mr. Ballantine, Mr. MacAskill, Mr. Ford and Mr. McManus voting, aye, Mr. Howell abstained by roll call.**

Mr. MacAskill added and asked if it could be part of his motion to authorize the Chairman to sign.

**Added to the motion was that the chairman is authorized to sign, 2nd by Mr. Ballantine.**

**Mr. MacAskill moved that the Board approve Phase 2 Contract 2 Sewer Construction Change Order #3 with RJV Construction Corporation for \$74,170.00 as presented and authorize the Chairman to sign, 2nd by Mr. McManus**

Mr. Ryder added that it's actually Change Order #2 and he had put #3 by mistake.

Town Administrator Powers added a correction on the last vote. The last vote was actually 4-0-1 not 4-1. Mr. MacAskill's comment before the vote, he echoed his last comments for this contract as well, and the only reason he is voting for that is because he doesn't want to hold this up any longer than it's already been held up.

**The motion was approved, the vote 4-0-1 with Mr. Ballantine, Mr. MacAskill, Mr. Ford and Mr. McManus voting aye and Mr. Howell abstaining at roll call.**

### **TOWN ADMINISTRATOR'S REPORT**

Town Administrator Powers announced publicly what he received from the Massachusetts Department of Transportation, Notice of Work form. They are already underway as of today or should be underway as of January 19th where MASS DOT is doing work in the Route 6 east bound, the area around exit 11. They will be doing installations of equipment, operating days Monday through Friday 8:00AM to 3:00PM, they will be observing traffic restrictions. In the evenings they will be working from Sunday night through Friday morning from 8:00PM through 4:00AM. The estimated duration of work is 3 years however all holiday and summer traffic restrictions as well as environmental conditions will be observed. In the packet is the Municipal Storm Water Services Engineering Contract that he executed last week, the total amount was for \$33,500.00 and that was in support of the engineer and the work that he's doing. Regarding the Board's schedule for Monday, January 25th is proposed to be as follows: next Monday evening at 6:30, that Board meeting will be dedicated to a wastewater discussion on a number of issues related to wastewater. This is "deep dive" that he has referenced before. The regular meeting will be held on Tuesday, January 26th at 6:30. This is for the Board's consideration and public knowledge. Report concluded.

Mr. MacAskill had a question regarding the Storm Water Contract that's in the packet.

Mr. Powers said that if Mr. MacAskill didn't get it, he'll put it in and bring it up again next week.

Mr. MacAskill mentioned the blind copy note from MASS DOT, asked Town Administrator Powers if he sent an email out and replied that he had. Mr. MacAskill had not received that either and asked that another email be sent to him.

Mr. Howell took note the in regards to the sewer meeting, he is concerned about David Young leading the conversation about DHY, and there were about 2 years' worth of contentious negotiations back and forth. He feels that if he is there to answer questions that's one thing.

Mr. Ballantine wants him there because he's the one who has worked with all 3 towns to put this together but he doesn't have to lead the conversation.

Mr. Howell is uncomfortable with people representing both sides of an issue.

Mr. Ballantine understands but doesn't want to throw any expertise out of the discussion.

Mr. MacAskill expanded on residents' concerns and emails. Clara McCurdy had expressed concerns and sent a very detailed email to all members of the Board and copied the Town Administrator on it, asking who was going to respond to that.

Mr. Ballantine noted that he had drafted a response to that, he will look at it again and send it first thing the morning.

Mr. MacAskill would like the Board to come up with a protocol with some of these things and as they navigate this wastewater issue and future asks. Mr. MacAskill has asked in an email who was going to respond to Ms. McCardy's detailed email. A response may go beyond what the Board members can offer. Dave Young and Dan Pelletier may be able to answer some those questions. Collectively they could come up with some very good answers. He thinks a conversation is warranted. Mr. MacAskill feels it is important that they answer these emails to gain support and confidence going forward and these questions and answers should be published for other residents to see the answers. He feels the Board should define which way they're going to go with these questions moving forward.

Mr. Howell followed up and spoke with Carol Ridley. He wants to be sure and that it's on the agenda, that the Board talks about how much excess capacity is built into this plan and how much extra growth it can come up to. He has heard 20-40% and would like a real answer next week. He feels the Board should get a handle on what the assumption was in the first place.

Mr. Ballantine will send out information to all the members, staff members are circulating it now.

Mr. Howell is specifically asking how much excess capacity we are building for.

Mr. Ballantine will bring it back as this discussion is not on the agenda.

#### **SELECTMENS REPORT**

Mr. MacAskill reported. In Town Administrator's comment about so called exit 11, he does not know who, in a COVID crisis, got the idea to pull down signs and change them everywhere. All of our directions are based on what used to be.

**Mr. Ballantine moved to adjourn, 2nd by Mr. Howell. The vote 5-0-0 with Mr. Ballantine, Mr. Howell, Mr. McManus, Mr. MacAskill and Mr. Ford voting aye at roll call.**

Respectfully submitted,

Judith R. Moldstad

Recording Secretary