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TOWN CLERK  
HARWICH, MA

2022 APR 26 P 2:08

MINUTES  
SELECTMEN'S MEETING  
REMOTE PARTICIPATION ONLY  
TUESDAY, JANUARY 26, 2021  
5:45PM (Executive Session)  
6:00PM (Regular Session)

RELEASED

APPROVED

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

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

**CALL TO ORDER**

Chairman Ballantine reopened the meeting following the Executive Session which had been called to order at 5:45PM

**EXECUTIVE SESSION**

A. Pursuant to MGL c. 30A section 21(6) to consider the purchase, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

B. Pursuant to MGL c. 30A section 21 (a) paragraph 2 to conduct strategy sessions for contract negotiations for nonunion personnel-Town Administrator.

Chairman Ballantine reopened the meeting and reported regarding the Executive Session.

A. After discussion the Board came to the decision to support an application from CPC for the purchase of real property.

B. After discussion to appoint Joseph Powers to the position of Town Administrator. Mr. Ballantine is very pleased to make the report that the contract is to end in June 30, 2024. He offers congratulations to Town Administrator Joseph Powers and looks forward to several more years.

Town Administrator Powers thanked each member of the Board for their efforts. He is very excited to continue moving forward with their support.

**WEEKLY BRIEFING**

**COVID-19 Updates**

Town Administrator Powers reported regarding COVID. There has been quite a bit of activity through Governor Baker's office. He sent an email out to Board members this afternoon sharing Public Health Director Meggan Eldredge's presentation on vaccines and recent major announcements. He feels it is critical to get this information out on the next steps for the vaccine process.

Meggan Eldredge reported a COVID-19 update, including statistics. Harwich remains in the red and considered a high risk community. Wingate is doing better, positivity has risen slightly, cases are stemming out of a lot of after school sports, such as hockey and basketball. Those two sports are considered high spreader sports. Reopening, effective yesterday, some restrictions have been lifted.

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Events and restaurants previously closing at 9:30 can stay open longer. Occupancy rates are still a restriction for restaurants. Also lifted is the stay-at-home advisory. Testing is still available at many sites across the cape. Outer Cape Health is offering a free rapid test either with or without symptoms. PCR tests, required for traveling, are offered at Outer Cape and Cape Cod Healthcare sites.

Ms. Eldredge answered Mr. Ballantine's regarding the numbers of tests administered. She said that number is going up, 1400 in the last 2 weeks.

Mr. Ballantine also asked the status of school pool testing.

Ms. Eldredge responded that Monomoy is looking into it but there are many things that have to be worked out. Specifically regarding the vaccine: Ms. Eldredge gets a lot of questions daily regarding how and where to get a vaccine. She offered a Power Point with a description of Phase One. If you are in this phase, there are many ways to get that vaccine. Appointments necessary, [mass.gov](http://mass.gov) website has the information. The [mass.gov](http://mass.gov) shows a map of vaccination sites. Clicking on a site brings you to the testing site. The website will be updated with more testing sites for phase 2. Moving onto Phase 2 on February 1st. They will be giving vaccines in groups, progressing to the next group once all in the previous group are vaccinated. As of now, all appointments are made on line. The map will be updated frequently as more sites become available. Ms. Eldredge offered the process to schedule an appointment. Harwich and Barnstable County are ready to set up clinics for their residents but there are no vaccines available to them at this time. Both the County and VNA are providers for Harwich. A provider supplies the vaccine. It can be an organization, your doctor etc. Today, the Department of Public Health announced that because of the need and not enough vaccine, they are putting a cap on vaccine allocations. The amounts are minimal and not enough to supply a clinic. The town is working on getting more but it's difficult with so little availability. Ms. Eldredge noted which groups are in phase 2 and then phase 3 which is the general public. She answered some FAQ's, showed outlines and websites with information. [mass.gov/covid](http://mass.gov/covid) should be the first place people look for answers to their questions. Once more vaccines are available and clinics open, that information can be found on the [barnstablecounty.org](http://barnstablecounty.org) site. Also the county has a helpline staffed by MRC volunteers.

Mr. McManus asked if the Power Point was part of the packet. It was not as that information just came out this afternoon, but it was emailed to all Board of Selectmen members and it will be put on the town's website so it will be publicly available.

#### B. Update on ongoing efforts by the Town in support of local businesses

Cynthia Williams of the Chamber of Commerce reported that the restaurants 9:30PM restriction has been lifted which is helpful. A lot of people were out and about at local retailers. RPM and Hinkleys are busy. In Harwich Port, people were out spending money. There has been positive feedback from the radio spot that Ms. Williams had done. Their Facebook page will have updated information. Ms. Williams thanked everyone for their efforts in supporting local businesses.

### **PUBLIC COMMENTS/ANNOUNCEMENTS**

No public comments or announcements were made.

### **ANNUAL COMMITTEE PRESENTATIONS**

#### A. Harwich Cultural Counsel

Tina Games, Chair of the Harwich Cultural Counsel joined by Dina Lane, Secretary. Ms. Games also acknowledged two members also present, Sharon Moore and Bernadette Waystack. Ms. Games started

with the questions that the Board sent them, all Cultural Counsel members have been sworn in and the state ethics testing is up to date. They also have a fairly new counsel, no attendance problems and have made their quorum. They are posting their agendas and minutes in a timely fashion. Ms. Games noted that she, as the Chair, is term limited. The Cultural counsel works closely with the state and they can only work 2 full terms. In June Ms. Games will have served her 6 years and she will be stepping off the counsel. Because of this, the Cultural Counsel has been working on a succession plan. They are working with the members to make sure they have leadership starting July 1. It is important to Ms. Games that as she moves off the Counsel, it is in good hands. Ms. Games highlighted items that are included in the packet she sent to the Board. For the audience, the Cultural Counsel is a town appointed committee with a goal to enrich the cultural lives of the citizens of Harwich. They are one of 329 local councils. Ms. Games noted that they have space for 9 members on this counsel but have only 7 at this time, leaving 2 vacancies. Anyone interested may put in an application and have an interview. When she leaves at the end of June there will be a third vacancy. She recognized the current members, besides herself, Dina Lane, Bernadette Waystack, Sharon Moore, Charles Barnes and Peter Hollis. She also recognized outgoing members for their service. COVID effected the Cultural Counsel. The grant structure was thrown off. Because of that, she cannot, at this time, say who they have given grants out to. They did have 25 grant applications, they are presently finalizing who they will give grants to. They have earmarked \$10,000.00. They will make that announcement mid-February.

Dina Lane noted that Chris Banks is a new member and Treasurer. Ms. Lane explained how COVID has affected the Committee and with the guidance of the NCC, they reached out to each of the applicants to be sure they could complete their grants as much as they possibly could. Only a few have not been able to do it at all because of the nature of their application. Also because of the pandemic, they canceled their Information Session, usually held in August. They did offer an Information Session on channel 18 which aired on channel 18, You Tube and the HDD FB page. Regarding fund raising, which is something the HCC has done in the past. It was suggested they do an imaginary candle light dinner. As a fund raiser. Goals for 2021-The Cultural District has been working with Cindi at the Chamber of Commerce, they were in the final throws of working that through when the pandemic hit. They are still waiting for the final designation, hoping it'll go forward in the next year. Re: The Grant Reception to honor grant recipients, they are hoping to hold IT whether virtually or in person as they may, hopefully in the spring. The HCC is looking into new fund raising opportunities. She feels public awareness of the HCC has grown. They hope to hold their Information Session in August at the Cultural Center. They're doing their best, as everyone is, to power through. They are, overall, pleased with what the HCC has accomplished in the year.

Ms. Games clarified that their grant funding comes from 3 sources, they get a grant allocation from the state's Cultural Counsel every year, they also are honored to receive support from the Town of Harwich at town meeting every year with an article on the warrant and they also do their own fund raising. They are put together every year to determine the grant allocations.

Mr. Howell congratulated the Cultural Counsel in general, Harwich has the premier live theater venues in the northeast and a tremendous artists community. He thanked everyone involved and hopes to continue supporting the arts.

Mr. Ballantine also admired their flexibility and creativity this past year.

B. Harwich Energy Committee-Valerie Bell from the Energy Committee reported that they did not have a very active year last year due to COVID. They are having the first virtual meeting this year later in the week. They are a small committee, Valerie Bell, Mary Worth, Chris Cezneck and Jacqueline Greene. Harwich passed the Climate Emergency in the last town meeting and they continue to get regular updates from Cape Light Compact and CVEC who has projects pending for Harwich. The Harwich Energy

Committee continues to meet with other energy committees on the Cape and Islands. They are working towards a region wide program called Energize Cape Cod which is a program that will be facilitating residents to tap into some resources such as solar or heat pumps. Cape Wide Compact is offering their Main Streets Program which had been paused due to COVID. They will be restarting that program and Harwich is on the list. That will allow small businesses to get some free upgrades for energy efficiency. Ms. Bell had met with the Harwich Climate Action Committee, they are interested in partnering with the Energy Committee, particularly in a public awareness role, for climate issues and how they relate to Harwich, the Cape and the world. They are up to date on their ethics, they continue to publish their agendas and minutes when they have them.

Mr. Ballantine and Mr. MacAskill thanked the committee for their efforts. Mr. MacAskill noted that they no longer have Mr. Cahounas as a representative and Ms. Bell's name was put forward by him as someone who might be interested. That seat is vacant if Ms. Bell is interested.

### **PUBLIC HEARING/PRESENTATIONS**

- A. Cape Cod Theatre Company-presentation regarding the 2021 plans including receipt of grant to fund an outdoor stage.

Chris Powicki, President of the Board of Directors, Harwich Junior Theatre has a couple of items to run through. First is an update on how 2020 went for them and then their plans for 2021 and some work they need done at the Art Center. Also their plans for creating an outdoor performance space at the historic theatre location in West Harwich.

Producing Artistic Director Nina Schuessler noted that Cape Cod Junior Theatre Inc. was founded in 1951 and started in Harwich Center, now in West Harwich. She noted some of the services they provide year round. She spoke to HJT's mission.

Tamara Harper, Director of Education, spoke regarding the restrictions imposed in mid-March due to the pandemic. She noted projects and classes they were holding as well as their first big production of 2020 that were effected. Because of COVID, everything was cancelled. Some classes were held on line and they offered some on line performances. This past summer they brought back some socially distant classes. They continue to do that and have classes 5 days a week. They are committed to not closing however their budget of 2019 was \$700,000 but this year has been reduced by \$475,000. All staff salaries are reduced, they have 2 part time employees but none of their other artists, designers and teaching staff are employed by them at this time. They are surviving on the generosity of the community.

Chris Powicki noted that this year is HJT, CCTC's 70th birthday. They cannot survive without a significant recovery of their program in revenues. They are limited to offering theater and dance classes, most in person, at the theater building in West Harwich. Scheduling has been difficult as some regular school classes are in person and some on line. They are hoping that progress with the pandemic will allow them to expand the number of classes offered as well as using the Arts Center this spring and summer. They cannot move their dance classes back to the Arts Center until a new hardwood floor is installed in the room at the south west corner of the building. At this time, the students are vulnerable to splinters and some of the nail are coming out as well. Per their lease, they have to have permission from the town before they can move forward with the new flooring. They have funds for that purpose based on a grant from the Kelley Foundation. It has now become a priority for them and they are hoping to get permission to move forward with this project.

They also have big plans in mind. Live in person theater is important to their mission and essential to their survival. At present it is neither safe nor practical. Last summer they created a seated outdoor theater at the back of the building.

Rob Zapple, Director and member of The Board of Directors of HJT, spoke to the 3 generations his family that enjoy Harwich and have invested in Harwich and the Junior Theater Company. He is aware of the financial issues that came with COVID as they scrambled to reinvent themselves. It became clear that they needed an alternate performance space. With a background in building, he designed a very low impact education and performance space that creates a 24 x 30 foot wide stage that is 2 feet off the ground. Also an audience area which is 3/4 inch plywood, 60 feet by 40 feet where they can put chairs. They have 16 lights and a modest sound system. With social distancing they can seat approximately 40 to 50 people. The electricity goes from the existing building. They also have room for 20 cars in the existing parking lot. It can go up in components with a cloth on the stage to protect from sun.

Chris Powicki added that before coming to the Board, they reached out to their direct neighbors. Their responses were supportive and enthusiastic. They filed a demolition permit with the town last week for an abandon, summer home that no one has lived in for decades. That will be torn down and the stage will go in that area. They plan to submit a site plan review application in early February. They are looking forward to a successful 70th year and many more. They are asking the Board of Selectmen for help in any way that they can. They are also looking for permission to move forward at the Arts Center but also wanted to let the Board know what they are planning for the outdoor stage and looking for feedback.

Mr. Ballantine noted that there are two issues they need to address. The first one is permission. He asked if that can be added that to the agenda so formal action can be taken.

Town Administrator Powers said that is true and he will work with staff to be up to speed on that.

Mr. Ballantine noted that they'll bring that back to move that ahead. The second issue is the permitting and Town Administrator Powers will speak to that.

Town Administrator Powers does not have an update. Tonight was the first he had heard the information but he will work with staff tomorrow to get up to speed on that process.

Mr. Ballantine noted, that will give the HJT the direction of where to go on the permit with the appropriate community development. He wishes they could help more on the financial side.

Mr. Howell noted that he has a great affinity for the theater. It's been a fixture in town. He feels that the permitting aside, just as a concept, the Board should do whatever it takes just as they helped people who were serving alcohol and food outside, to ensure that this makes it well into its 80th year and beyond. He would be willing to do whatever necessary to help them succeed. Mr. Howell noted that he and Chris need to touch base to avoid doing anything as a bad neighbor. The Housing Trust is in talks but is not sure what it is going to do in conjunction with the HJT's lease. He would like to build support mutually.

Mr. MacAskill echoed Mr. Howell's comments to doing anything they can to help them survive. As they go through the permitting process, it's important that it is scrutinized for outdoor entertainment specifically. Although they have approached their direct abutters, part of the building process for the building that they are going to demolish as well as the building of a stage would require abutter's notifications.

Town Administrator Powers said that is correct and asked if there is any sense of delay because of the historic nature of the buildings.

Mr. MacAskill's second thought is that as they navigate through licensing them for outdoor entertainment, they will need to hold a public hearing. Rather than let a lot of time lapse. West Harwich is a part of town where they show up in force for entertainment permits. He feels that this should be done sooner rather than later.

Mr. Ford also echoed comments in support of the HJT. It's been a part of his summers for many years. He is fully supportive of anything the Board can do to help this move forward.

Mr. McManus asked, some theaters serve beverages, some alcohol during intermission. Is that something they need a license for?

Peter responded that for years, they have served water as the only beverage they have had for sale during intermission and at present they don't have plans to change that.

Mr. Ballantine noted that it is clear that everyone on the Board is supportive and will do what they can and agreed it should be started sooner rather than later.

### **CONSENT AGENDA**

- A. Vote to approve Caleb Chase Fund request in the amount of \$560.66
- B. Discussion and possible vote for the Chair to sign the approval letter for 3 Old Post Road, Harwich refinance-Town of Harwich is listed as monitoring agent on deed rider.
- C. Vote to approve the appointment of G. Brian Sullivan to the Board of Appeals as a full member-term to expire June 2022
- D. Vote to approve the appointment of Christopher Murphy to the Board of Appeals as a full member-term to expire June 30, 2023
- E. Vote to approve the appointment of Timothy Bailey to the Board of Appeals as an alternate member-term to expire June 30, 2023

Mr. MacAskill moved that the Board approve the Consent Agenda as follows:

To approve the Caleb Chase Fund request in the amount of \$560.66.

To approve the Chair to sign the approval letter for 3 Old Post Road, Harwich refinance-Town of Harwich is listed as monitoring agent on the deed.

To approve the appointment of G. Brian Sullivan to the Board of Appeals as a full member-term to expire June 2022

To approve the appointment of Christopher Murphy to the Board of Appeals as a full member-term to expire June 20, 2023

To appoint Timothy Bailey to the Board of Appeals as an alternate member-term to expire June 30, 2023.

2nd by Mr. Howell, the vote was 5-0-0 with Mr. Howell, Mr. Ford, Mr. McManus, Mr. MacAskill and Mr. Ballantine voting aye by roll call.

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## New Business

- A. Discussion and possible vote-2021 Common Victuallers License-Morningstar Restaurant, Inc. DBA Villa Roma-278 Route 28
- B. Discussion and possible vote-Board of Selectmen Minutes
  - 1. January 6, 2020 revised
  - 2. January 13, 2020
- C. Discussion and Possible vote approving Section 1.07 of the Harwich Board of Selectmen Liquor License Regulations request for closure by licensed establishments:
  - 1. Harwich Inn and Tavern-77 Route 28

Mr. MacAskill moved to approve 2021 Common Victuallers License-Morningstar Restaurant, Inc. DBA Villa Roma-278 Route 28, 2nds by Mr. Howell. The vote was 5-0-0 with Mr. Howell, Mr. Ford, Mr. McManus, Mr. MacAskill and Mr. Ballantine voting aye by roll call.

Mr. MacAskill moved to approve the Board of Selectmen Minutes for January 6, 2020 revised and January 13, 2020. 2nd by Mr. McManus.

Mr. MacAskill asked what the request for closure is, he feels the public should know what it is and for.

Town Administrator Powers explained that the establishment is looking to close for a period of time due to COVID as have other establishments. There is no expiration noted.

Mr. MacAskill suggested they could approve it tonight and bring back in the packet for next week and announce the closure date.

So noted.

Town Administrator Powers pointed out something that isn't in the packet that may answer the questions. They were correcting the fact that they didn't notify the Board, they were closed for a period of time and are reopening tomorrow. We became aware of it because of a complaint call and the establishment was advised that they are required to do this under the regulations. This is to bring them in compliance and brought to the Board to approve it.

Mr. MacAskill will add dates to his motion of 01-01-2021 to 01-27-2021.

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

Mr. MacAskill moved to approve Section 1.07 of the Harwich Board of Selectmen Liquor License Regulations request for closure by licensed establishments; Harwich Inn and Tavern-77 Route 28 from 01-01-2021 to 01-27-2021. 2nd by Mr. Howell. The vote was 5-0-0 with Mr. Howell, Mr. Ford, Mr. McManus, Mr. MacAskill and Mr. Ballantine voting aye at roll call.

- D. Discussion and possible vote-Sewer modeling acquisition

Town Administrator Powers-To give some context, this relates to the discussion the Board had on January 25th, the Wastewater in-depth discussion. It was agreed to bring this subject back on this agenda.

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Additionally this is coming before the Board for the Board to discuss this based on the discussion last night to see if there is a revisiting as to this decision. Town Administrator Powers made a statement: It was discussed last night, from the staff perspective that is specifically as the Town Administrator, Dan as the Wastewater Superintendent, Griffin Ryder as the Town Engineer and Carol Cappola as the Finance Director, continue to meet regularly and no less than weekly on all matters related to wastewater. As discussed last night the CWMP, DHY, potential contract for Phase 2, Contract 3, this question does come back because it is his recommendation. The sewer modeling acquisition is meant to be a tool for staff, to aide them to assist you and obviously modeling but also to create more information that goes to the town, for the town. It's our data, not related to existing engineering terms related to projects. It's meant to advise Dan and inform you so you can make an informed decision. He apologized for the repetitious nature of this matter but it was tied into the discussion last night and that is why it does back this evening.

Town Administrator Powers offers his strong recommendation that this acquisition should be approved and he stands ready to answer questions and concerns that the Board has. He also emphasizes that as with any procurement the funding mechanism was presented to the Finance Director and she evaluated that based on all of her obligations not only as the Finance Director but as a Certified Public Accountant, as our internal auditor, someone who is the first line of defense should we be audited. This is a proper and appropriate use of those funds. He would not recommend this if he did not think it would not pass the auditors.

Mr. MacAskill noted that it is his recollection that this has already been voted by the Board, this would be a double action.

Mr. Ballantine noted that the question the Board had was about how it was to be financed, Town Administrator Powers has answered that. He agrees, another vote may not be needed.

Mr. MacAskill stated that the Board voted, not unanimously, to go ahead with that contract.

Town Administrator Powers understood that there was a question regarding the source of funding that had to be verified before they moved forward. There still will be a contract that will come before this Board to accept the procurement process that will have the checklist and all the materials required. The central question is on the funding itself.

Mr. Ballantine suggests that they go through a discussion so they currently understand and agree with the funding. He agrees, they won't have to take another action.

Mr. McAskill, asked Dan Pelletier to confirm that this has been approved and it was explained what the funding source was.

Mr. Ballantine understood that it was going to be approved by both this Board and the Wastewater Commission.

Wastewater Superintendent Dan Pelletier said that is part of the discussion tonight, that there were members of both Boards that raised issue with the potential source of funding. With that, he wanted to come back and provide information if there was a concern about the source and they wanted to go a different way, what that path would look like. If they want to proceed with the funding as presented, they could do that as well.

Mr. Ballantine is comfortable with going forward with the way the funding was presented.



Mr. McManus moved to go forward with the funding sources.

Mr. Howell stated that he feels Mr. MacAskill is correct, a vote is not needed.

Mr. MacAskill stated that they've already taken action on this and they don't need to vote it.

Mr. McManus does not remember approving the funding sources.

Mr. Ballantine suggests they go ahead and approve the funding sources so that it is clear to everyone.

As a reaffirmation of a vote that was already taken, just to clarify, Mr. MacAskill 2nd the motion.

Mr. Howell agrees with Mr. McAskill that they are starting to build back a confidence level and confidence with the public. Mr. Howell reiterated what he previously said, that he will not vote for a nickel until verified.

Mr. MacAskill agrees with Mr. Howell and last night proved they need to get as much information and give the staff as many tools as they can to get the proper information to the public. He is going to vote no as he did last time. He feels they have a problem if they go back to 2007 and find \$100,000 in procreations. Although it is legal, and he knows it legal, it is still a bad look for the Town. If there was more time he's said this should be approved at a Town Meeting. He does not feel they have enough time to go back with this because they gave a pretty sizable homework project last night to staff. However, he hopes the Board takes this up sooner rather than later, in asking our Town Finance Director and our Town Administrator to find old articles and bring them back to Town Meeting and get rid of them. Spending money 14 years later, whether it is legal or not, is not right, and it's not a good thing to do to the tax payers. They should be voting this project.

Mr. Howell stated there should be some way to relook at all of these things. That kind of money should not be waiting for them to spend a decade and a half later.

Town Administrator Powers reacts to what the Board is saying. Both he and Dan have said, given that level of discomfort, they are willing to pull the project. He fully agrees and appreciates the sentiments expressed. There is an opportunity to acquire a modeling scenario that will help us be independently informed for your decision making. The funds that were available, far exceed his tenor here. He does not disagree with what he takes as a future policy for him to eventually draft on behalf of the Board. Staff is trying do their best, to find ways without seeking additional expenditures and appropriations but still keep these massive questions going forward so they don't cause inertia or inaction. If there is concern at that level, he would feel more comfortable withdrawing it, other than the value it presents to us.

Mr. MacAskill noted that this predates Town Administrator Powers, Dan Pelletier and himself. He is not placing blame but only speaking about going forward. The Board voted it, 4-1-0 and the Board is comfortable and gave direction. There is no blame here whatsoever. He does appreciate the willingness to change direction and go to town meeting.

The vote was 4-1-0 with Mr. MacAskill voting Nay, Mr. Howell, Mr. Ford, Mr. McManus and Mr. Ballantine voting aye on roll call.

E. Discussion and possible vote to authorize the Chair to sign the FY 2021 Executive Office of Elder Affairs Formula Grant Award to the Town of Harwich-\$55,548

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Mr. MacAskill moved to approve the Chair to sign the FY 2021 Executive Office of the Elder Affairs Formula Grant Award to the Town of Harwich-\$55,548. 2nd by Mr Howell.

Town Administrator Powers directed to resident expert Emily Mitchell.

Emily Mitchell stated that every Counsel on Aging in the state receives this award from the Executive Office of Elder Affairs at a set rate of \$12.00 per senior which is defined as anyone age 60+ residing in the town which totals \$55,548.00 for FY 2021. That funding is used for a wide variety of services. They cover staff funding, larger purchases, volunteer recognition, and other day to day operations. They would not be able to provide some services or staff support without this support from the state which they are very grateful for each year.

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

### **OLD BUSINESS**

#### **A. Discussion on Update of FY 2022 to 2026 Capital Outlay Plan and Budget**

Town Administrator Powers reported that he met with the Capital Outlay Committee which included Finance Committee Chair Jon Chorey. They continue to work on refining the Capital Outlay plan for FY 2022. The Committee has opted for a 5 year plan which corresponds with the original language in the article that was presented to the Town Meeting that adopted the charter change. He shared that it was intended to change from a 7 to a 5 year plan, pending his working with legal counsel for the best way to proceed and to have articles that will modify that. He presented to the Board some of the changes that were made to the plan last week and to the Wastewater items which were intended to follow on the discussion the previous night as it related to Wastewater. He referred to page 1 of the FY 2022 plan. The Capital Outlay Committee has taken several votes to start pushing matters to future years with the hope of easing pressure on this year's Capital Plan. There is still more to be cut and presented back to the Capital Outlay Committee, as early as next week to finalize them. Referring to page 2, there are deferrals from past years that are in this plan. Noting page 3 of the draft, items related to Wastewater, he asks to seek guidance from the Board so he may bring it back to the Capital Outlay Committee for them to finalize their work. Regarding Phase 2 Contract 3, noted the amount and that going forward, it will increase. The other item that needs guidance and discussion is that when the Board and he worked on the budget message, there is a phrase "to minimize the use, overrides and debt exclusions". The Capital Plan still has 4 items that are tied to funding by debt exclusion. Items noted. He is looking for direction so that he may come back with a comprehensive plan in February.

Mr. MacAskill said that based on the discussion last night and what Mr. Pelletier said regarding the 8.4 million, it would be fair to push them to next year and for planning purposes there should be a 10 million dollar number and remove the 8.4 million. There is more to discuss regarding Wastewater and other options. Regarding the Quint and the Road Maintenance plans, at first look of the budget it was quite short without debt exclusions. Mr. MacAskill asked that the department heads should talk and should be asked if there are other capital expenses can be pushed down the road, or not. Get their suggestions so the Board can debate. If those conversations haven't happened they should. He would not want to give up the Road Maintenance money. Two years ago it was cut in half. He asked for some direction on that. The next item, which was related to wastewater, Phase 3, Harwich's share of treatment for DHY, is a TBD and can be taken off the Capital Plan until there is more information. The allocation of free cash is important this year as they promised to pay back the money borrowed by Stabilization in the amount of \$573,000 and also put in an additional amount of money if possible. Also as previously agreed was to put money into OPEB.

Town Administrator Powers responded that discussions mentioned will take place next week between department heads and the Capital Outlay Committee ahead of them coming back before the Board so he can make informed decisions and recommendations. He also agreed with Mr. MacAskill's statement on free cash. In the present draft of the budget, they did return, made whole Stabilization, for the money taken out in FY at the 2021 at Town Meeting. That commitment has been met and remains in the budget.. He also recommends regarding OPEB that there is \$250,000 allocated and they remain with those commitments, it puts additional pressure on free cash.

Mr. Ballantine offered 2 concerns, the quote from the Fire Department which was agreed upon 2 years ago and has been postponed a year already to keep the Capital Budget down, that will be a tough discussion. He also questioned cutting the Road Maintenance Budget and how many years that can be done. The Quint was also postponed once.

Mr. McManus agrees that the Phase 3 work is given intent, to look at that given emerging information. Probably best to put that off for better planning reasons. Regarding the Quint and the Road money, are those capital exclusions or debt exclusions?

Carol Coppola, Finance Director responded. Those would both be debt exclusions and they are on the outgoing debt schedule, their first payments being in FY 2023

Mr. McManus noted that because they're debt exclusion, they bring their own revenue with them, if they're approved they go on the tax rate. It is not as much the impact on the budget as much as the impact on this year whether the Board comfortable asking folks in town to increase the Town debt level, increasing their taxes and the possible harm if they are delayed.

Mr. Howell and Mr. Ford are in agreement with those comments.

Jon Chorey, Chair of the Finance Committee, asked if the 5 year plan would be discussed tonight. He would like to comment regarding the East Harwich Phase 2 Part 3. If it and the 8-10 million dollars to next year's capital, the Town is looking at 39 million dollars' worth of capital.

Town Administrator Powers would rather do that when he presents the Comprehensive Budget. He noted that the last two years they have brought the capital dollar numbers down from what was expected.

Mr. Howell commented that if it's left in this fiscal year he would vote against it. They made a commitment to look at things and not spend more money until they look at the need to spend more.

Mr. MacAskill feels this Board owes it to the Finance Committee and Capital Outlay to take a deep dive into the Capital Plan as a whole. He is uncomfortable bring any large capital project forward in the middle of a pandemic to town meeting with a reduced quorum. The 5 year budget as a whole, the hole is pretty deep. There are some tough times ahead and tough decisions to make.

Town Administrator added, to let the Board know and to the Finance Committee through Chairman Chorey and Capital Outlay for next week, as he gets into the final pass of this budget with Capital Outlay, the number one deciding factor for him is, is the capital item something that is going to help the town remain in compliance or would the absence of it cause penalties of a financial nature?

Mr. McManus also has qualms about bringing Capital items to Town Meeting. He asked Mr. MacAskill his definition of a large capital item.

Mr. MacAskill said his comfort level is very low in the big picture it'll depend on where they are at with everything else.

Town Administrator Powers made an overall point-based on the direction this evening from the Board, the Capital Plan for FY 2022 has now been reduced by half, gone from 19 million down to 10 million. He feels it's important to voters that they know that he and the Board are actively paring down and will continue to do so.

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

Town Administrator Powers noted two items. In the packet, information was received from Cape Cod Compact on the Harwich Mitigation Funds. He had a conversation with Gail Collins of the Commission and they are strategizing some possible use for the money that remains. It may be that funds can be used to remove a required item from the Capital Plan perhaps funded through the Mitigation Funds. The second item, the Town has hired the mechanic for DPW, he is scheduled to start 2 weeks from now. Report completed.

### **SELECTMEN'S REPORT**

Mr. Howell, no report

Mr. McManus, no report.

Mr. Ford, no report.

Mr. MacAskill request an update next week on the Assistant Town Administrator hire.

Town Administrator Powers offered an update. Interviews have been scheduled, virtually over the next 5 business days with 5 individuals. He hopes to have a name to present to the Board on February 8th.

Mr. Ballantine thanked everyone for their great efforts.

Mr. MacAskill move to adjourn, 2nd by Mr. Howell, the vote 5-0-0 with all voting aye at roll call.