

RELEASED
APPROVED

MINUTES
SELECTMEN'S MEETING
TOWN HALL
MONDAY, JANUARY 30, 2023
6:00 P.M. - REGULAR MEETING
REMOTE PARTICIPATION OPTIONAL

RECEIVED
TOWN CLERK
HARWICH, MA
2023 FEB 22 P 2: 23

SELECTMEN PARTICIPATING: Michael MacAskill, Mary Anderson, Larry Ballantine, Julie Kavanagh & Donald Howell

ALSO PARTICIPATING: Joseph F. Powers

CALL TO ORDER

Mr. MacAskill called the meeting to order at 6:00 p.m.

PUBLIC COMMENTS/ANNOUNCEMENTS

Brooks Free Library Director Ginny Hewitt was present and reported that the CLAMS library database will be moving into a new integrated library system at the end of February which means they will be working with a new circulation and catalog system. In preparation for this, Brooks Free Library will be closed on February 8 for staff training. Due to the migration of the system, the borrowing of books outside of CLAMS will be suspended for a month starting on Wednesday. Services will resume in another month as soon as the new system is live. While the migration is happening, the library will be using an offline circulation module and will be able to check items out for patrons. Patrons will need to have their library card with them. Full services will be back up and running when the system goes live. Ms. Hewitt feels that the public will really like this change and noted that it is a big improvement for everyone. Ms. Hewitt presented information on upcoming programming at the library. Information can be found at brooksfreelibrary.org

Community Center Director Carolyn Carey was present and reviewed upcoming programs including decorate a duck, a bicycle information session, mad science program, find a duck, indoor yard sale and grab a tea with me. Information can be found at <https://www.harwich-ma.gov/community-center>

A. Committee Vacancies

Ms. Anderson reviewed the list of existing committee vacancies.

B. Housing Huddle February 1st at 204 Sisson Road

Harwich Chamber of Commerce Executive Director Cyndi Williams was present to remind everyone about the Harwich Housing Huddle being held this Wednesday from 8:30 a.m. – 10:00 a.m. at 204 Sisson Road.

PRESENTATION

A. Presentation on the Cultural Council designations for Harwich Center and Harwich Port

Present were Kara Mewhinney, Director of Cultural Affairs, Bernadette Waystack, Chair of the Cultural Council and Cyndi Williams, Executive Director of the Harwich Chamber of Commerce. Mr. Powers stated that these 3 women represent the great work done by so many people. We now have the 52nd and 53rd cultural designations in the Commonwealth, which are the Harwich Center Cultural District and the Harwich Port Cultural District.

Ms. Mewhinney stated that last Thursday was a very historical moment for the Town of Harwich when we received confirmation of our 2 cultural districts. This started in 2018 with the cultural compact signing. Many thanks were given to everyone involved including former staff, current staff, artists and the Board of Selectmen. Times will be set up to schedule ribbon cuttings and sign unveilings. There will be an upcoming community art show called "Kaleidoscope" which will be followed by art week called "Rising Spirits" where Harwich will be hosting a wide variety of programs and activities.

Ms. Williams added that it has been a long road to get here and that it is an amazing feat to have 2 cultural districts.

Ms. Waystack said that this was a marathon not a sprint effort and gave special thanks to Tina Games and Cyndi Williams. Speaking on behalf of the Cultural Council, they are an LCC and provide grant money every year. The council is looking to have as many people involved in projects and events. Ms. Waystack looks forward to collaborating with Ms. Mewhinney on cultural affairs.

Ms. Williams also thanked Carolyn Carey. Ms. Carey was given the task to do something with the 204 Sisson Road building and laid the foundation for everyone to jump in and help.

One last kickoff event is being held in partnership with the Community Development Partnership. This will be a workshop to help artists in town with networking, business practices and many other resources. The workshop will run on March 14 and March 21. The cost is \$50.00 for both sessions and pre-registration is required.

Ms. Mewhinney presented pictures of the Harwich Center Cultural District and Harwich Port Cultural District signs.

The entire Board and Mr. Powers thanked everyone for their great work and noted that it is amazing to have 2 cultural districts in Harwich.

CONSENT AGENDA

A. Approve Board of Selectmen Meeting Minutes for January 17, 2023

Mr. MacAskill stated that Mr. Howell has asked to hold the consent agenda until next week.

NEW BUSINESS

- A. Discussion on removing Trustees from the Board of Trustees of the Harwich Affordable Housing Trust Fund in accordance with Article V of the Declaration of Trust document; Votes may be taken

Mr. MacAskill stated that despite the narrative that has been painted by several people, this discussion is not about retaliation or bullying. Speaking for himself, Mr. MacAskill said that this is about dysfunction and 5 years of a housing trust not moving the needle forward and a trust that cannot seem to get it straight and work together. Mr. MacAskill added that he wasn't elected to sit on his hands and wasn't elected to let things go on that are broken. He feels that it is incumbent of the Board of Selectmen to change the dynamic of the trust and get something done, adding that there is no symmetry on the committee. Ms. Anderson had made this recommendation two weeks ago and Mr. MacAskill agreed that it would be brought back. The Town Administrator is not on the trust because of the Selectmen; he is on the trust because of the trust documents. Mr. MacAskill suggested that the trust should be changed out almost in its entirety and that the Town Administrator should look at the "or designee" comment in the trust documents and possibly appoint a designee, which would allow him to get back to work as the Town Administrator instead of focusing as much as he is on the housing trust. Mr. MacAskill added that it is also incumbent of the Selectmen to bring the trust documents back. He feels that there is an unfair practice here with the Town Administrator serving on the trust with a Selectmen. When there becomes a rift on the trust and it carries over into the Selectmen's meetings, we are not doing the tax payers of this town any favors.

Mr. Ballantine would like to listen to more discussion before making up his mind, noting that he is struggling with the fact that we are not moving forward and that there are 2 sides to the story. Mr. Ballantine does not feel that open discussions accomplish anything because people don't have a plan to react to. He agrees that the trust is important and that it needs to be functional and that the trust document should be reviewed. There is no reason that designations cannot be made to someone else to manage the trust. Mr. Ballantine is trying to go into this with an open mind.

A couple of weeks ago, Ms. Kavanagh stated that she did not understand why we have not moved forward with an RFP and noted how important housing is and that it continues to be an emergency and a crisis. Ms. Kavanagh stated that she is open to making changes if that will make some progress. Ms. Kavanagh agreed with a previous suggestion that maybe now is the time for change since 2 of the trust members appointments expire in June.

Ms. Anderson stated that she has been to most of the trust meetings since becoming a Selectman. Her comments about the trust being dysfunctional were not based on just the last trust meeting. Ms. Anderson feels that there are 5 very talented, very interested in serving the town members on the trust, but there seems to be a chemistry imbalance in the 5 people that they cannot get along. As a business person, Ms. Anderson feels the only way to fix the issue would be to trade out a few of the members. Not saying that the players are at fault, but that it is the easiest transition. 2 of the members have a term that expire in June and Ms. Anderson suggested that those members be changed out now in an attempt to move forward.

Mr. Howell observed the fact that the Selectmen opened their meeting tonight talking about committee vacancies and are going to end it with talking about firing volunteers. He noted that it has been 591 days since the closing on the Marceline property and 508 days since the Town Administrator became chair of the trust. Mr. Howell commented that he has not been able to get items on the trust agendas and has a hard time getting responses, noting that agendas seem to get posted 2 hours before the 48 hour posting deadline. Mr. Howell agreed that there is no movement and that there should be a fast and easy way of moving forward. Mr. Howell went on to say that the RFP is the key for this process and also provided a recap of previous discussions regarding area median income percentages. Mr. Howell feels that the other 4 members of the trust get along very well, regardless of earlier comments. If you start removing members routinely, there will not be any trust members.

Richard Waystack was present and commented that we are better than this. His concern is that it is about the fact that you have members of the trust that were interviewed by the interview committee and appointed by the Selectmen. Mr. Waystack would like to see us move past this but understands that the Selectmen have the right to do what they want, adding that letting members go mid-term is very difficult. Mr. Waystack hoped that the Selectmen will not take any action tonight and that we need to encourage people to be part of this community.

Mark Kelleher was present and stated that he would be against removing any members at this time with the feeling that it would be divisive and hints at retribution. He suggested that the existing Selectmen could set up some interim goals that they would like to see accomplished to move this forward.

Mr. MacAskill said that this is not a committee, it is a trust. The Town Administrator is the chair of the trust until he designates someone else, and that is not a Selectmen appointment. The other 4 trust members are Selectmen appointments. There should probably have been an RFP and vision in mind for the Marceline property before it was purchased. Instead, we have purchased more land and we have helped no one with housing. Mr. MacAskill asked the public to watch previous trust meetings, look at the cancelled meetings and form their own opinions of what has happened. The meetings, minutes and trust members emails are public records and anyone can make their own assessment if they look at them. This conversation is about the trust in its entirety and not just one member that is being singled out. Mr. MacAskill noted that it is hard to watch other towns around Harwich do affordable housing and for us to talk about an RFP that we are not even close to.

Mr. Ballantine said that it not clear to him why the trust isn't working and that he would like to review the trust document. He wants to move forward and make sure that the trust functions properly. At this point, he would be reluctant to change the trust because he isn't sure that the membership makeup is the issue.

Mr. Howell feels that the organizational structure is difficult to understand because you have the same individual who answers to the Selectmen and the trust. If the trust votes one way that the Selectmen doesn't, who does the chair serve.

Mr. MacAskill noted that Mr. Howell had previously voted and made the motion to approve the trust documents. The documents have not changed since that time. The time to realize that the documents were not right was before they were voted on. Mr. Howell responded that these are not like most other trust documents and that the discussion was just over a minute long.

Mr. Howell commented that the trust has to make the decision about the Marceline property. It is 14 acres of all upland and all of it is developable. He added that if people want to cut the property lose, fine. If they want to translate it back to money, fine. Doing this would set us back 5 years. Mr. MacAskill responded that the trust would make that decision and that the trust should do their due diligence before buying a property.

Ms. Kavanagh appreciated Mr. Waystack's comments in terms of trying to move forward. She added that she was puzzled why the discussion of area median income seemed to elevate everything and that she was under the impression that it had already been clarified. Ms. Kavanagh would be fine if the trust can make the commitment to move forward, but if they are going to go back and rehash things, she is not sure how that can be done. Ms. Kavanagh is very interested in developing the Marceline property.

Ms. Anderson agreed that she has respect for Mr. Waystack and Mr. Kelleher's comments, however she does not see anything changing without changing the members. You are not going to break a group that is locked into their ego, position and what is right. There needs to be new chemistry amongst the trust.

Mr. Powers noted that the agenda talks about removing members from the Affordable Housing Trust. Mr. Powers put it on the record that he is on uneven footing here and that he has been since May 2019 when he became Assistant Town Administrator and then 6 months to the day was when he came Interim Town Administrator. He wanted to put it out there that aside from the folks that we are not serving for affordable housing, he remains of the belief that he has the most to lose. Mr. Powers prides himself on how he has operated for 35 years in public service. It destroyed him to have to make the apology that he made and added that no one put him up to it, that it was his own work, his own decision and his own action. Mr. Powers went on to say that this is a trust document that was created by the Board of Selectmen on July 9, 2018 and that document is the same one that sits before the Board tonight. The trust document is a legal document that dictates a process.

Mr. Ballantine said that he is struggling with how to move ahead. It is unclear to him why we have not gone ahead with an RFP. If the trust is so dysfunctional, why don't we start at zero and remove everyone and start over. If that is done, he still isn't sure that it would guarantee harmony.

Mr. MacAskill quoted Larry Brophy and said that change is good.

Ms. Anderson understands Mr. Ballantine's indecision and how do we really know what will fix this. She feels that the hard part is that there has been a lot going on behind the scenes and working to undermine the Town Administrator who is an employee of the Board of Selectmen. Ms. Anderson does not see that as fair and doesn't feel right about watching it happen. She added

that when Mr. Powers found out that he was to be the chair of the trust, all of sudden members were not available for meetings. We all have things we do well and things that we do not. Ms. Anderson supports the Town Administrator and feels that he does good work. Mr. Ballantine agreed that undermining is unacceptable.

Mr. MacAskill asked if Mr. Howell would be willing to step down as the Board of Selectmen appointee on the trust and allow for another Selectmen to be on the trust. Mr. Howell responded that he would not be willing to step down and said that the Board could vote to remove him. He added that he can work with anyone and is just as frustrated as everyone else about not moving forward.

Mr. MacAskill moved to remove Donald Howell as the Board of Selectmen appointment to the Affordable Housing Trust, 2nd by Ms. Anderson.

Mr. Ballantine said that is a big step and if it would make the trust functional, he would consider voting for it. Ms. Kavanagh agreed adding that Mr. Howell has an opportunity to improve this situation and asked why he wouldn't be willing to step down. Mr. Howell responded that the Selectmen just appointed him to the trust in July. If there were concerns, they should have been addressed at that time. If it gets to a certain point, he would resign, but added that he will not be the fall person for the actions. Mr. Howell feels that he can help get the Marceline property developed and that he knows what processes work and what the laws say. He added that he can be removed from the trust but that he cannot believe that it will make everything hunky dory.

Mr. Howell and the Board had a brief discussion about why Mr. Howell did not complete an annual review for the Town Administrator last year.

Mr. MacAskill disagreed that Mr. Howell is able to get along with everyone.

Mr. Howell said that it would be pointless to go through a vote and that he would resign from the Affordable Housing Trust.

Mr. MacAskill withdrew his motion. Ms. Anderson withdrew her 2nd.

Mr. MacAskill stated that this is not about any of the trust members to him and it never has been. This is about a dysfunctional trust and not moving the housing needle forward. He is also not saying that Mr. Powers is 100% and that any other member on the trust is 100%, but the trust is not working and he doesn't see it as being repairable as is.

Ms. Anderson appreciated Mr. Howell stepping down. She suggested that the Selectmen let this ride and see if we can make things work. Ms. Kavanagh responded that she is fine with that approach but is still open to looking at the trust documents.

Mr. Ballantine said that he would like to step in and try to help if possible.

Mr. MacAskill suggested that the interview committee have each of the trust members come in and talk about how meetings are supposed to go and setting ground rules.

Discussion and possible vote for a new Selectmen appointed trust member will be on next week's agenda.

The Board took a 5 minute recess.

B. Discussion – Town Newsletter

Ms. Anderson stated that she has suggested this a while ago and that she would like the town to be the source of news. Ms. Anderson wanted to wait until the Executive Assistant position in the Administrator's office was filled before really starting to lobby for this. Once that position is filled and now that we have a capable IT Director, she would like to see a newsletter similar to what Chatham does. Ms. Anderson used the example of what people present during public comment as topics in the newsletter. It would take a while to build, but she would like to see the process move forward.

Mr. Ballantine said that at the MMA seminar, he attended a talk on communication issues and it was pointed out how useful a newsletter can be. It can be short and factual and Mr. Ballantine feels that it is worth exploring.

Ms. Kavanagh agreed that she likes the idea and noted that it can be hard to find information if you don't know where to look and are not watching the Selectmen's meeting.

Mark Kelleher was present and thanked Ms. Anderson for getting this on the agenda. Mr. Kelleher thinks that this is a great idea to go forward with. From his understanding of how Chatham operates, it is an administrative position of about 5 hours a week. The person sits in the meetings and gathers information. Once the newsletter becomes established, people will could bring in additional information. He also commented that the high school has a digital arts program that might be able to assist. Mr. Kelleher feels that this would also be a good way to show the non-resident tax payers of Harwich what is happening in town.

Mr. MacAskill noted that this would be a budget item and the Board gave consent for Mr. Powers to put together information for presentation.

C. Approve the following 2023 Annual Class IV Auto Repair License renewals:

1. Nick and Claudine Enterprises, LLC d/b/a West Harwich Sav-On-Gas – 4 Route 28
2. V-Tech Auto Center – 805 Route 28

Ms. Kavanagh moved to approve the 2023 Annual Class IV Auto Report License renewals as listed above, 2nd by Ms. Anderson and approved 5-0-0.

D. Discussion – Early Childhood Education and Fiscal Year 2024 Human Service Grants

Ms. Kavanagh briefly reviewed the information as provided in the packet. She is curious to see how the Board feels about starting to formulate a policy to look at a lower number. Ms. Kavanagh added that she would rather not see us to a tiered structure and that we should look at a flat rate with possible income limits. Mr. Kavanagh did point out that the Board needs to be careful as a portion of the Monomoy Family Resource Coordinators salary does come from the money being discussed. This is an endeavor that could help with funds for early childhood education for children ages 3-5 to help defray the costs so that parents are able to work more and have an offset for childcare. And while it helps the parents financially, he also gives the children a better chance to get educated before getting to kindergarten.

Mr. Howell asked if Ms. Kavanagh had in mind daycare or preschool, nothing that they are not the same. Ms. Kavanagh responded that it would be preschool. As she understands it, the provider would send the invoice and the town would pay it. The family is not involved with the money and they know that their childcare is paid for. Mr. Kavanagh sees this as a great way to help families.

Mr. Howell said that his only concern is that we have been level funded for a while, noting that the human service grants have not increased but the need for services has.

Mr. Ballantine would like to a funding estimate so that the Board can talk about funding sources.

Ms. Anderson noted that some towns do this based on income and suggested that is how Harwich should do it to get started. She agreed that the Board would need to see numbers to know if we can make this work. The Finance Director and Town Administrator can put together information to see if this program is possible. Ms. Kavanagh stated that she is open to whatever we can do to get this drafted. Ms. Anderson suggested maybe using a piece of free cash if it is not all spoken for, although she was not sure if free cash could be used for operations. Mr. Howell responded that he is not sure if it would be operations if it is to subsidize a stipend.

Mr. Ballantine noted that we should be careful to not look at this as a one time item.

The Board agreed that Ms. Kavanagh could work with the Finance Director and Town Administrator to bring back additional information.

Mr. Powers stated that the budget is a statement of our priorities and that this might need to be a real discussion about it being part of the budget.

E. Conduct the First Reading, per Board of Selectmen Policy on Policy Development, to amend the Board of Selectmen policy on remote participation; Votes may be taken

Mr. Howell stated that this is the first reading of the policy and that there are only 2 changes as outlined in the packet. Changes can be found under item 2 and item 6.

There were no comments heard from the Board or members of the public.

Mr. MacAskill stated that this will be back on next week's agenda for the 2nd reading.

F. Approve the following Hall of Fame late submissions, nominated by Richard Waystack:

1. Lee Culver
2. Sheldon Thayer

Richard Waystack was present and stated that he hopes his ignorance of the process is not held against his submissions. He went on to review his submissions for the Hall of Fame and noted that both gentlemen's families would be very proud to hear their names read at town meeting this year.

Mr. MacAskill publicly apologized to Carol Thayer. In 2019, she sent a letter to the Selectmen requesting this for 2019 town meeting. The request ended up in correspondence and was never acted upon. Mr. MacAskill stated that he would add that letter to the packet for town meeting and that he would endorse both of these submissions. He added that the Board will have to review the policy for submissions.

The Board agreed with supporting these submissions.

Mr. Howell moved to approve the Hall of Fame submissions of Lee Culver and Sheldon Thayer Jr. as nominated by Richard Waystack, 2nd by Ms. Anderson and approved 5-0-0.

G. Review and take action on G.L. c. 268A, Section 19 disclosure form- Carol Ridley, Community Preservation Committee

Mr. Powers thanked Ms. Ridley and Mr. Ketchum for their service on the Community Preservation Committee and for going through this process. In the Commonwealth, these kind of actions are now required. Mr. Powers recommended that the Board authorize the Chair to accept the form and to approve the request as presented.

Ms. Anderson asked if Ms. Ridley would have to recuse herself from the discussion as a whole about which funds go to which applications. Mr. Powers responded that she would. There will be 3 actions that Ms. Ridley needs to recuse herself from.

Community Preservation Chairman David Nixon was present. He understands the concerns of recusal for the amount of money, but asked if Ms. Ridley could be involved in the discussions. Mr. MacAskill responded that she would not be part of the discussions and that recusal means leaving the table and the room during the discussion.

Mr. Howell moved that the Board of Selectmen have reviewed and taken appropriate action on G.L. c. 268A, Section 19 disclosure form- Carol Ridley, Community Preservation Committee as discussed, 2nd by Ms. Anderson and approved 5-0-0.

OLD BUSINESS

A. Review and take action on G.L. c. 268A, Section 19 disclosure form- John Ketchum, Community Preservation Committee

Ms. Kavanagh moved that the Board of Selectmen have reviewed and taken appropriate action on G.L. c. 268A, Section 19 disclosure form- John Ketchum, Community Preservation Committee as discussed, 2nd by Mr. Ballantine and approved 5-0-0.

B. Vote to expand the Harwich Accessibility Rights Committee (HARC) from five full members and two alternates to seven full members with two alternates

Mr. Ballantine recapped a previous meeting of HARC from 6 weeks ago where they asked Mr. Ballantine to see if they could expand their committee. The Selectmen argued against the request at the time. In the past, HARC has had a quorum problem and raising the number of members would alleviate it issue. Both times, HARC has been adamant that they need 7 fulltime members. Mr. Ballantine and Ms. Kavanagh have interviewed 2 residents that would lie to be on the committee as full members. Each person was contacted to see if they would be amenable to being an alternate member. Both residents declined alternate membership. Mr. Ballantine is asking the Selectmen for their support again to increase the membership to 7 full members. He did say that there is one member who has health issues but they are still invested in being on the committee.

Mr. Ballantine moved to expand the Harwich Accessibility Rights Committee (HARC) from five full members and two alternates to seven full members with two alternates, 2nd by Ms. Kavanagh and approved 5-0-0.

C. Discuss creating a 2023 Annual Town Meeting Article for Judah Eldredge

Provided in the packet is material that dates back to the original article. The snag that has been hit upon was that the original article had an appropriation not to exceed \$369,000. The town was hoping to rely upon what was referred to as a LAND grant. Unfortunately, the town was not successful in obtaining that grant and the only money that the town has available are the net proceeds from the article. The difficulty now becomes whether there should be an updated appraisal, which Mr. Powers does not recommend, or if we should go by the assessor's property card, which reflects a land value of over \$700,000. We would need to find a way to fund the entire anticipated takings based on the property card, which would be an appropriation article at town meeting.

Mr. Howell stated that this shows that we would have to take action as soon as town meeting happens. He is not sure where we could up with that kind of money with that kind of reserve. Mr. MacAskill responded that it would be an appropriation and it would tell town meeting that we aren't spending the money, that we will ultimately get it back, unless someone comes forward. Mr. Howell added that the money would need to be set aside as if someone were in front of the town.

Mr. MacAskill asked how much money we have invested in the project so far. Mr. Powers was not able to provide a number because the legal fees would have to be added.

Mr. Ballantine asked what the original appraisal was. Mr. Powers responded that he would have to go through the files. What we do know is that we have done appraisals in this new market and that they have come back as a much higher cost. He expects that a new appraisal would exceed the property card value.

Mr. Howell noted that we shouldn't lose site of the Community Preservation Committee. This is a very important piece of property as it abuts the DCPC 6 ponds district and is well worth protecting.

Mr. Anderson stated that it is not going to get cheaper and would like to see this move forward.

Ms. Kavanagh asked if we could reapply for any of the grants. Mr. Powers responded that it is not beyond the realm of possibility but that he is not aware of any open grants at this time.

The consensus of the Board was to direct Mr. Powers to work on drafting an article for town meeting.

CONTRACTS

- A. Vote to approve the 2023 Golf Facility Use Agreement between New Wading River Country Club, LLC and Town of Harwich
- B. Vote to approve the Change Order Credit and Contract Time Extension for GHD for Phase 3 design – Credit in the amount of \$25,000

Ms. Kavanagh moved to approve the contracts as listed above, 2nd by Mr. Howell and approved 5-0-0.

TOWN ADMINISTRATOR'S REPORT

Mr. Powers stated that he is thrilled to announce the hiring of Patience Smith-Cabrera as the new Executive Administrative Assistant to the Town Administrator and Board of Selectmen. Ms. Smith-Cabrera has accepted the employment offer and will begin on February 13, 2023.

The Board thanked former Executive Administrative Assistant Ellen Powell for her service to the town and wished her well in her new endeavors. Ms. Powell was able to unravel all of the committees and was a ray of sunshine in the office. Mr. Powers added that Ms. Powell is still with the department in the short term and has been gracious in helping prepare the annual town report.

SELECTMEN'S REPORT

Ms. Kavanagh commented on what a great event MMA was.

CORRESPONDENCE

No correspondence was discussed.

ADJOURNMENT

Mr. Ballantine moved to adjourn the meeting of the Board of Selectmen, 2nd by Ms. Anderson and approved 5-0-0.

Respectfully submitted,
Jennifer Clarke
Recording Secretary