

APPROVED

RECEIVED  
TOWN CLERK  
HARWICH, MA

2022 JUN 22 P 2: 28

MINUTES  
SELECTMEN'S MEETING  
TOWN HALL  
GRIFFIN ROOM  
MONDAY, FEBRUARY 7, 2022  
5:30 PM EXECUTIVE SESSION  
6:30 PM REGULAR MEETING  
REMOTE PARTICIPATION OPTIONAL

RELEASED

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

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

**CALL TO ORDER:**

Chairman MacAskill opened the Board of Selectmen's meeting for February 7, 2022 at 5:30 PM. Ms. Anderson moved to enter into Executive Session, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

**EXECUTIVE SESSION**

- A. Pursuant to MGL c30A section 21(a)(3) to discuss with respect to collective bargaining for all town unions and the chair has determined that open session would have a detrimental effect on the town's bargaining position
- B. Pursuant to MGL 30 S s21(a) paragraph 3 to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigation position of the town and the Chair so declares: Christopher D. Wise vs Town of Harwich Planning Board, and Halls Path

Mr. MacAskill reopened the Board of Selectmen's meeting reporting that in Executive Session they discussed collective bargaining for all town unions as well as a law suit between Christopher D. Wise and the Town of Harwich Planning Board. Some decisions were made but because it's ongoing there will be no announcement tonight. He invited attendees to join him in the Pledge of Allegiance.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

Dave Guillemette Chief of Police stated that Officer John Mitchell has announced his intention to retire. He shared a brief summary of Officer Mitchell's career and his many accomplishments and contributions to the town. He offered thanks from the entire department and from himself personally.

Mr. Howell shared his experience with Officer Mitchell and offered compliments.

The entire Board offered their thanks to Officer Mitchell.

February 7, 2022

APPROVED

Town Administrator Powers stated that the Anita Doucette Town Clerk announced her intention to not run again and announced her retirement effective February 25, 2022. He acknowledged her years of service. He will speak to the Board at the end of the meeting regarding the process of having an interim Town Clerk.

Ms. Anderson shared compliments and stories of the year she worked with Ms. Doucette and she will miss her.

Mr. Howell shared that Ms. Doucette is a friend, he values her advice and said it's going to leave a big hole.

Ms. Kavanagh comment noted the dedication of working for her home town for so many years and the depth of knowledge a town clerk has to have. The town will miss her.

Mr. Ballantine commented that the highest praise they can give her is that they have taken the elections for granted.

Mr. MacAskill echoed the Boards comments and added that he has known Ms. Doucette most of his life and she taught him many things.

### **PUBLIC HEARING**

- A. Discussion and possible vote to approve the New, Inside Sunday entertainment license application Beachlight LLC d/b/a Seal Pub & cafe - 703 Main Street  
Requesting: 6:00 AM to 12:00 AM TV, Radio, background music and 6:00 PM to 10:00 PM Acoustic live music un-amplified and karaoke.

Mr. MacAskill reminded the Board that they voted this a month ago at these exact times and because of misinformation, the following week they voted to rescind that vote and hold a public hearing and maybe give them a Sunday entertainment license. There has been a lot of conversation about 6:00 AM. They learned from legal that to tun on a radio or television, an entertainment license is necessary. The language is very specific. The Board is changing the applications because some of the boxes that did not make sense. The public hearing on this is based on last year's events.

Ms. Anderson read the public hearing notice.

Reverend Susan Thomas of First Congregational Church summarized the decisions of the last meeting and the differences on the application this week.

Ms. Anderson moved to close the public hearing, 2nd by Ms. Kavanagh. Vote 5:0 in favor by roll call. Motion carried unanimously.

Mr. Ballantine commented that this has been debated, he is willing to give them a chance to fulfill their obligations. He is in favor of moving this forward.

February 7, 2022

Ms. Kavanagh agrees and has no further comments.

Ms. Anderson is confident they will manage this so she is in favor.

Mr. Howell is fine with the radio and tv but even with acoustic he is not able to support it due to past violations.

Ms. Anderson moved to approve the application as presented, 2nd by Ms. Kavanagh. Vote 4:1 by roll call. Motion carried.

### **PRESENTATION**

#### **A. Town Administrator to present the Fiscal year 2023 budget message**

Town Administrator Powers presented the FY 2023 Budget message. He noted the descriptions of the manner in which he came to the conclusions presented. This budget as presented does not yet contain recommendations for cost of living adjustments, that is an issue that will be discussed and debated. The external impacts to the town were noted. He has established priorities the he believes the budget should account for and noted details and his reasoning. He committed the budget message and the budget documents to the Board and the Board has an obligation under the Charter to do an examination of it and to hand it over to the Finance Committee at the appropriate time. Then all will have discussions on priorities going forward.

Mr. Ballantine commented that regarding the Cultural Council he would like to have 2 discussions going forward. He would like a plan, especially as it ties into the historic district. He would also like full financial accountability and expressed concern of using grant money for a 3 year term, the additional expense and what this does to the tax rate.

Town Administrator Powers responded, regarding the Cultural Center, he realizes that this will spur conversations including funding the positions. In regard to full financial responsibility, he purposely kept this budget message first to the Board and there will be a meeting with department heads discussing the budget and then discussions with the Finance Committee and the Board of Selectmen. He had not mentioned the 4 firefighters that were referenced, at present those positions are not entered into the draft budget.

Ms. Kavanagh commented that the budget message hits on the most important topics and many are pandemic related. She feels this budget message is sending them in the right direction.

M. Anderson agrees with Mr. Ballantine and the priorities. The challenge will be in getting all that into a number they can all live with. The Cultural Center is the wild card with a lot of moving parts. The housing person is a must and she feels this is a great first step.

Mr. Howell commented that it has been daunting without a housing advocate and he expressed the importance of this position. He would also like to have within the Police Department's public

outreach, a Cape Verdean presence as an example to kids that they don't have to leave the Cape to succeed.

Mr. MacAskill commented on the Community Center and making it a priority, there is an amazing foundation for culture in Harwich and the town is blessed to have that building, there are many possibilities for it's use. He fully supports a Cultural Director and he hopes people support the grant opportunity which will pay for a lot of what is being discussed. He feels the Housing Coordinator is priceless. They've talked for years about housing and if they're going anywhere with housing, this position is a must. The town will decide how important housing is, supported by the Board but also voted at town meeting. Regarding the fire fighters, this is the beginning stages of a proposal. There will be more information to the Board before they have a high level conversation on it. Council on Aging and Board of Health both need help. He felt that these were great messages, he thanked the Town Administrator for hitting on the topics they have been talking about consistently.

Carol Coppola Finance Director referred to the documents that had been distributed, listed them. They include summaries and full on allocated costs by department. She spoke of the details in the Public Safety Department including FY21, FY22 and proposed FY23. Each department is outlined in the same way. She expects to have a full and complete budget book for the Board within the next 2 weeks.

All Board members expressed thanks to Ms. Coppola.

Mr. MacAskill noted that there will be a meeting the 22nd. It is also his intention to have a joint meeting with the Finance Committee to discuss the budget.

Town Administrator Powers has to set a date for that meeting as they don't know yet what conditions they will be meeting under. He doesn't feel it'd be wise to do it in a much larger room with masks on.

Mr. MacAskill noted that the Board would like to have that event. He asked that the Town Administrator get that date to the Finance Committee as soon as possible so they can plan.

Town Administrator Powers noted that the date they have in mind is Saturday, March 5th. In regards to the draft warrant, he has heard articles that the Board would like to have included and there are boiler plate articles he will put together. His goal is to present the first iteration of a warrant on February 14th. He emphasized that it will not be close to the final and they picked that date as the 11th as the final date to include any citizen initiative petitions. Also Dr. Carpenter will be making a presentation on behalf of the Monomoy Regional School Committee.

Mr. MacAskill noted that March 7th is a joint meeting with the Board and the Conservation Commission to discuss their articles a second time. They've made some changes that need to go before the Board.

Town Administrator Powers asked if it should be kept from the draft until it is vetted by legal.

Mr. MacAskill replied that he would like to see it. He also noted the 6th priority that they didn't talk about which is owners unknown and miscellaneous parcel. There was discussion to create a warrant article to fund that, it's a problem that'll take a long time to clean up.

Mr. Howell commented that the public has a misunderstanding on this subject. There is a lot of money in title abstracting which is an expenditure but if they do anything regarding eminent domain there needs to be an escrow account in the event that somebody might show up. The money is not being spent but has to be set aside. It is not an expense.

Mr. MacAskill will suggest that they sell some land to pay those costs and there will be no cost to the taxpayers.

Town Administrator Powers commented that while he is proud of what he has delivered to the town there is no pride of authorship or ownership of the documents. These documents are a starting point for a thorough and deep discussion. They all have the same goal, to make the town better and stronger.

John Chorey Chairman of the Finance noted that he didn't see the budget on the town's website and asked if it is there. He feels that if it's an agenda item, it should have been in the packet.

Town Administrator Powers replied no, it was just presented to the Board and will now be posted officially on the website. He has met his obligations and deadlines under the Charter with hours to spare. The deadline to get this process going is tomorrow.

Mr. Howell replied that this is the sequence, it is presented to the Board and then becomes public through the Board.

Mr. MacAskill clarified that it is not the budget that is going to be on the website tomorrow, that will be presented in 2 weeks on the 22nd to the Finance Committee. Right now it's work material and a budget message which was in the packet.

### **CONSENT AGENDA**

- A. Vote to approve the Harwich Garden Club request to use the parking lot of 203 Bank Street for their annual fundraiser
- B. A vote to approve a Caleb Chase request in the amount of \$434.00
- C. Vote to accept the resignation of Mark Kelleher from the Harwich Housing Authority
- D. Vote to approve Board of Selectmen Meeting Minutes
  - 1. February 22, 2021
  - 2. November 1, 2021

Ms. Anderson moved to approve the consent agenda as presented, 2nd by Mr. Howell.

Ms. Anderson noted that she sent an email to staff with minor corrections, spelling and the omission of a comments. She asked that these be approved pending those corrections.

Mr. Howell commented that he appreciates Mr. Kelleher's efforts and it is with sadness that they accept his resignation.

Mr. MacAskill commented that the Garden Club's event is in April, if the property is sold, the Board can find another place for them.

Vote 5:0 in favor by roll call. Motion carried unanimously.

### **NEW BUSINESS**

A. Discussion and possible vote to approve the Committee Appointments recommended by the Interview Committee

1. Lynn Budell - Full Member - Voter Information Committee - Term expires June 30, 2023
2. Tricia Murray - Full Member - Voter Information Committee - Term expires June 30, 2024
3. Eileen Garrity - Alternate Member - Treasure Chest Committee - Term expires June 30, 2022
4. Noella Morrison - Full Member - Treasure Chest Committee - Term expires June 30, 2022
5. Vicki Goldsmith - Full Member - Harwich Cultural Council - Term expires June 30, 2023

Mr. Howell moved to accept the recommendation of the Interview Committee as presented, 2nd by Mr. Ballantine.

Ms. Kavanagh noted that Vicki Goldsmith has grant writing experience.

Ms. Anderson noted that she didn't see anything about Rec and in the minutes that were approved, there was discussion of a Human Services Committee to manage grants and she does not see that listed.

Mr. MacAskill replied that the Rec was brought up and the Interview Committee could not agree. The process for that is that it comes back to the full Board for a vote. His intention is to put it on next week for full Board discussion. The question will be if they reinterview or listen to the recommendation of Mr. Howell and Mr. Ballantine and make a decision based on what they say and the packet material. That will come back.

Vote 5:0 in favor by roll call. Motion carried unanimously.

B. Discussion and possible vote to approve the renewal of a Class IV Auto Repair License - West Harwich Sav-On-Gas - 4 Route 28

Ms. Anderson moved to approve the renewal of a Class IV Auto Repair License as presented, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

C. Discussion and possible vote to approve a New weekday entertainment license - Hot Stove Saloon 0 551 Route 28  
Requesting : Friday and Saturday 9:00 PM to 12:00 AM Recorded or live music with amplification. Live music acoustic only.

Ms. Anderson moved to approve a New weekday entertainment license as presented, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

### **OLD BUSINESS**

#### **A. Update on tax collections**

Amy Bullock Treasurer Collector noted the memo which is an update from January 18th. She need the update on payments and how many remain unpaid.

Ms. Anderson appreciated the level of detail in the report.

Mr. Howell noted that the public is looking for assurance that this is not falling off the radar.

Mr. MacAskill echoed that comment and noted that they will be looking for updates at least once a month. He asked if owners are coming forward now that this is being discussed.

Ms. Bullock replied that she thinks the big action is on the letters that Attorney Coppola sent out. The FY 21's are being paid in full and one payment plan requested.

Ms. Coppola stated that she and Ms. Bullock attended a training session on crystal reports and the report that Mr. Chorey is looking for will take 60-70 hours to write. She contacted an expert who can complete the report in 15-20 hours. She is working to get him access to the information. Her concern is that if someone is 30 days late for a current bill and it's put on the website for advertisement, it may be stringent. She suggested they look at just lien balances or something of that nature.

### **CONTRACTS**

#### **A. Discussion and possible vote to approve a contract change order for Devellis Zrein Inc. for engineering services related to the project management of the Community Playground behind the Elementary School in the amount of \$5,000.00.**

Ms. Anderson moved to approve the contract change order as presented, 2nd by Ms. Kavanagh. Vote 5:0 in favor by roll call. Motion carried unanimously.

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

Town Administrator Powers noted that the town is about to lose the expertise of the Town Clerk. With the Board's permission, procedure is to seek the services an Interim Town Clerk, he will reach out to a former clerk Bob Cutler who serves as the president of the Mass Town Clerks Association. That association has a program where retired clerks offer their time to the towns on such an occasion.

February 7, 2022

Mr. MacAskill asked if there was any objection from the Board, there were no objections.

### **SELECTMEN;S REPORT**

Mr. Howell is concerned that there is not enough time to train someone for that office.

Ms. Anderson agreed with Mr. Howell.

Ms. Kavanagh noted that she went by the Community Center for the birthday celebrations and it looked like an absolute blast. It was well attended and she offered congratulations for a great event.

Mr. MacAskill has no report but asked the Board's preference regarding next week and the Rec Committee, if they want applicants present or not.

Mr. Ballantine is confident that he can explain rather than have the applicant come back.

Ms. Anderson and Ms. Kavanagh agreed.

Mr. Ballantine noted that the Treasure Chest is not ready to come before the Board.

Mr. Howell noted that Mr. Kelleher's position is an elected position and the Board has to hold a joint meeting with the Housing Authority and take a majority vote of the combined existing members if they find somebody. They should advertise and interview and select a date for a joint meeting with the Housing Authority.

Ms. Anderson moved to adjourn, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

Respectfully submitted,

Judith R. Moldstad  
Recording Secretary

February 7, 2022