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2022 JUN 28 A 10: 28

MINUTES
SELECTMEN'S MEETING
TOWN HALL
GRIFFIN ROOM
MONDAY, FEBRUARY 14, 2022
6:30 PM REGULAR MEETING
REMOTE PARTICIPATION OPTIONAL

APPROVED

RELEASED

SELECTMEN PARTICIPATING: Julie Kavanagh, Larry Ballantine, Donald Howell and Mary Anderson Mr. MacAskill attended remotely

ALSO PARTICIPATING: Town Administrator Joseph F. Powers

CALL TO ORDER:

Vice Chair Kavanagh opened the Board of Selectmen's meeting for February 14, 2022 at 6:30 PM. There are people participating remotely. She invited attendees to join her in the Pledge of Allegiance.

PUBLIC COMMENTS/ANNOUNCEMENTS

Dave Guillemette Chief of Police announced a conditional offer of employment. He introduced James Hinesley and gave a short bio and noted that he is ready for the next police academy.

All Board members welcomed Mr. Hinesley.

Town Administrator Powers announced, from Sheila House the Youth Services Director that Thursday, February 17th an expert panel and community open forum on the topic of playing a role in suicide awareness. It will be at Brooks Free Library. Also, on behalf of the Voter Information Committee, their Chair Emily Milan is asking if chairs of other committees would be willing to participate in the Know Your Town podcast.

PRESENTATION

A. Presentation of the Monomoy Regional School District Fiscal Year 2023 preliminary budget

Scott Carpenter Superintendent at Monomoy Regional and Business Manager Michael McMillan also Meredith Henderson the Chair are in attendance.

Mr. McMillan presented slides as an overview of the budget request and the assessment process. He explained each slide in detail and how they reached a 42.8 million dollar budget. He also presented an itemized Capital Plan and Capital Improvement Plan. Harwich's enrollment went down which reflects a smaller percentage of the budget for Harwich and larger for Chatham.

Mr. MacAskill asked about the proposed methodology and if Harwich is getting that this year.

Mr. McMillan replied yes, it's one of the articles going to Town Meeting this year.

Mr. Carpenter noted that they have some draft warrant articles for both Harwich and Chatham. He explained the process and what is involved in making that change. If both towns and DESI approve it, it would be implemented in this upcoming year which is why it is included in this presentation.

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Mr. MacAskill commented on some line items. He was disappointed that Harwich was not involved in contract negotiations because \$685,000 of this budget is related to staffing. He does not see the Town of Harwich voting to spend the additional 700 and supporting the article. He will save the rest of his comments for later.

Mr. Ballantine noted for the record that last year roughly \$600,000 of the assessment for Harwich was for supporting the Elementary School. If that is taken away from the one million dollars, the increase in Chatham looks to be a lot less. What they're doing is picking up the difference, basically supporting the school. He asked about the total salaries, He hopes it'll get through both town meetings.

Mr. Carpenter is cautiously optimistic that Chatham will support it also. Chatham parents want the keep the Elementary School going and understand it'd be an increase in cost for them. Chatham's Select Board is behind supporting this measure.

Ms. Anderson noted, on record, the she fully supports education and she thinks the Monomoy District is outstanding. But she is not one who thinks you talk school or you talk money, there's room to do both. She pointed out some statistics and asked that Monomoy sharpen their pencils, she would like to see this be a flat budget, the same as last year. She also requested a 1 to 2 page summary that shows the last 2 years there are actuals for 2022 budget, 2022 YTD and 2023.

Mr. Howell noted a change in methodology about the use of the schools requiring 2 town meeting votes to do that. He confirmed that this is not what they are talking about now. He also noted that cursive writing is not being taught in most classes. He expressed his concern noting that historical documents are written in script.

Mr. Carpenter replied that it is taught at the elementary levels.

Mr. Howell wants to be sure the Chatham citizenry understands that Harwich is not trying to off load it's obligations onto them. If they had remained their own district and every year they were budgeting, it would not be near what it is now. It's about being more equitable in the distribution and trying to correct something in the original foundational documents. This is a great start but there is a lot of work to do.

Ms. Kavanagh spoke about some salaries and asked about a secretary.

Mr. McMillan replied that there is not a year round secretary at the High School which is needed.

Ms. Kavanagh asked if the decrease is because so many people moved off Cape due to COVID.

Mr. Carpenter replied that as a school district, they were the beneficiary of that. Some people with summer homes in Chatham moved here. He noted that there was virtual learning but that is gone. A few families have elected to home school again this year. He expects that after COVID there will be a slight increase

Ms. Kavanagh asked about preschool, special needs and counseling.

Mr. McMillan replied that they're starting to see an increase in the level of special needs and extra help of preschool and students. There usually is early intervention but during COVID students were not identified as needing extra help or weren't receiving it. Now, their needs have gone unmet for a longer period of time than they'd normally aim for. That is part of the reason for the Special Education teacher, to try and meet those needs.

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Ms. Kavanagh commented that it's a big number but both towns need to think about that proactively and the same for mental health. Some of these kids haven't been seen yet and what they may need is an unknown. Towns need to be prepared for that on a budgetary level.

Mr. Carpenter described when early intervention had started in the past and what it is like now after COVID and their concerns. He also noted the change in demographics in both towns. He mentioned the data driven ELA Program in the Elementary School and how it is different from the past programs and the progress they have been seeing.

Ms. Kavanagh asked about students going to Charter School and the dollars that follow them. Also, what the amount is in the Stabilization Fund at this point.

Mr. Carpenter replied with an explanation of students going to and returning from Charter Schools and the money involved.

Mr. McMillan replied, the Stabilization Fund now has approximately \$130,000.00

Mr. MacAskill asked the END balance on the Stabilization Fund.

Mr. McMillan replied, around 1.8 million.

John Chorey Chair of the Finance Committee asked if one town votes for the new allocation formula and one does not, does it go to a big tent meeting and the majority decides the outcome of the school budget?

Mr. Carpenter noted the mechanics of the Warrant Articles as written, if one town doesn't agree they would default to the first assessment scenario. It come down to the way the Warrant Articles are written and if they provide for that scenario. There is a process prior to a big tent meeting. If it doesn't resolve itself by the end of December, the Commissioner steps in and assigns a budget for the school district. His hope is that they can mutually support each other and not get to that point.

Mr. Howell noted that they both have Home Rule Charters, they are not the same Charters. He would be more comfortable getting information from town council regarding that scenario.

Town Administrator Powers commented that draft warrant articles were provided by school administration and were sent over to Atty. John Giorgio who is reviewing them for Harwich and Atty. Mark Costello for Chatham and Atty. Mary Terry for the school district. He expects to have counsils' opinions on how each town is going to go forward by next meeting. The budget he provided last week assumes the current assessment.

PUBLIC HEARING

A. Public Hearing - Discussion and possible vote to approve the Harbor Management Plan Amendment

Ms. Anderson read the public notice.

John Rendon Harbormaster described the two changes and why he is requesting them. The first is regarding an R permit (day charter permit) and one relating to the Round Cove boat ramp.

Ms. Anderson asked how often someone would use that permit. She also asked about parking.

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Mr. Rendon replied that it's a mix, some people use it a few times a season and some are out there almost every day. Regarding parking, these are people who are already park there and are using the ramp.

Ms. Kavanagh asked if anyone in the public had comments. No comments offered.

Mr. Rendon spoke regarding the Round Cove boat ramp and the changes he is suggesting to benefit Harwich residents during the summer season.

Ms. Kavanagh asked if anyone in the public had comments. No comments offered.

Mr. Howell moved to close the public hearing, 2nd by Mr. Ballantine. Vote 5:0 in favor by roll call. Motion carried unanimously.

Mr. MacAskill supports this and thanks Mr. Rendon for all the thought he put into these changes.

Mr. Ballantine also supports it, it was very well explained.

Ms. Anderson fully supports both as well.

Mr. Howell commented that a tax payer doesn't have to reside here.

Mr. Rendon replied that if they are a taxpayer, they have a second home here.

Mr. Howell suggested that someone would have to show that they pay taxes in Harwich or someone living here that is a resident.

Mr. Kavanagh supports this. It's a lot of extra work and benefits for the residents. She asked who would issue the tickets.

Mr. Rendon replied that he currently has authority to issue tickets.

Ms. Anderson moved to approve the Harbor Management Plan Amendment as presented, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

CONSENT AGENDA

- A. Vote to approve a Caleb Chase in the amount of \$1,000.00
- B. Vote to approve a Caleb Chase in the amount of \$1,000.00
- C. Vote to approve a Caleb Chase in the amount of \$999.88
- D. Vote to approve a Caleb Chase in the amount of \$1,000.00
- E. Vote to approve a Caleb Chase in the amount of \$580.00
- F. Vote to approve the recommendation from the Interview Committee of a Hall of Fame nomination
- G. Vote to approve the appointment of Student Officer James Hinesley to the harwich Police Department
- H. Vote to approve the Board of Selectmen Meeting Minutes
 - 1. March 1, 2021
 - 2. July 13, 2020

Ms. Anderson moved to approve the Consent Agenda as presented, 2nd by Mr. Ballantine. Vote 5:0 in favor by roll call. Motion carried unanimously.

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Mr. Howell commented about the appointment to the Hall of Fame and Ginny Doane who was an exceptional person and a worthy addition to the Harwich Hall of Fame.

Ms. Kavanagh and the Board welcomed Mr. Hinesley to the Town of Harwich Police Department, it's great to have a local.

NEW BUSINESS

A. Discussion and possible vote to approve a new 2022 Sunday Entertainment License - Morningstar Restaurant Inc. DBA Villa Roma - 278 Route 28

Ms. Anderson moved to vote to approve the new Sunday Entertainment License as presented, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Moto carried unanimously.

B. Discussion and possible vote to approve 2022 Weekday Entertainment License Renewal - Morningstar Restaurant Inc. DBA Villa Roma - 278 Route 28

Ms. Anderson moved to vote ti approve the Weekday Entertainment License renewal as presented, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

C. Full Board discussion and possible vote to approve one appointment to the Recreation and Youth Commission

1. Emily Brutti
2. Leah Mercurio
3. Phyllis Thomason

Mr. Ballantine noted that he was impressed with all 3 during the interviews, the disagreement was more directional. He is in favor of Leah Mercurio and noted his reasons.

Mr. Howell also agreed they are individually qualified. Originally they both were in favor of Phyllis Thomason. He is still in favor of her and noted his reasons.

Ms. Anderson commented that they are 3 exceptional individuals. She has been told that the Rec Committee would like a young person with kids in the program and she also would like a young parent.

Mr. MacAskill also commented that all 3 applicants are great. His vote is based on what the Interview Committee brought forward. He hopes Emily Brutti is willing to be on another committee. He is in favor of Leah Mercurio and noted his reasons.

Ms. Kavanagh commented that it's great to have 3 fantastic applicants. She is in favor of Leah Mercurio and noted her reasons.

Mr. Howell noted some Ms. Mercurio's strengths. He was not resisting her appointment, just thought they could use another skill set. He plans on voting for Ms. Mercurio. He also notes that there is no expiration date on this, the motion will have to be subject to verification of that date.

Ms. Anderson also commented that it's a great developmental thing for a young person to start by sitting on a committee.

Mr. Howell moved to appoint Leah Mercurio to the full term position to the Recreation and Youth Commission subject to the end date that the office is keeping for that particular position, 2nd by Ms. Anderson.

Mr. MacAskill pointed out to the public that it's not all predetermined dispositions and in this case it was 2 members of an Interview Committee that met and disagreed so it came before the full Board for this conversation. He appreciates the process and thanks both of the people on the Interview Committee for disagreeing and bringing this before the whole Board for this conversation.

Ms. Anderson withdrew the 2nd.

Mr. Howell moved to appoint Leah Mercurio to Recreation and Youth Commission for full term position with term to end June 30, 2023, 2nd by Mr. Ballantine. Vote 5:0 in favor by roll call. Motion carried unanimously.

D. Discussion of the Fiscal Year 2023 Annual Town Meeting Draft Warrant including Citizen Initiative Petitions received by 12:00 PM Friday, February 11, 2022 per General Bylaw Article I s271-1.

Town Administrator Powers commented this is a checking on the requirements in the Bylaws. He noted his memorandum of proposed articles. Six petitions articles were received and confirmed by the Clerk's Office and will appear in the Warrant for Town Meeting.

Mr. MacAskill commented that he did not have time to go through them all but has questions. The Conservation Commission is going to be before the Board and they have changed the language of one of the articles. Regarding Petition Articles, legality and time, department heads, how is that vetted and when will it be discussed.

Town Administrator Powers replied and expanded on the citizen petition process. Chapter 271 of the Bylaws is the procedure. Council will advise if a petition will have a lasting effect or no effect on the town.

Mr. Ballantine noted that a few years ago they helped petitioners to be sure the language made sense when they submitted an article because of past experiences at Town Meeting.

Town Administrator Powers replied that the recommended best practice is that there is ample time from when petitions are due until the warrant is finalized. The assist would be with a companion article, the Board would then work with the petitioners. The Board cannot impact upon their language.

Mr. Howell commented that when he was on the Bylaw and Charter Committee, they submitted a few things to legal counsel a couple of years in a row and they came back with an intent completely opposite from their original language. A petition article by state law should be the intent of the person presenting it. Some people got advice to change language that changed what they were trying to do.

Mr. MacAskill noted that one petition article would cause the Conservation Commission to do an awful lot of work. He questioned the legality of the petition. He will discuss this more at a further meeting.

E. Discussion and possible vote to develop a Warrant Article regarding Owners Unknown, Miscellaneous Parcels and land takings

Town Administrator Powers has not yet crafted an article and this is the first discussion of many to develop that. Tonight is to begin that discussion.

Mr. MacAskill commented that the Board needs a fairly broad article and what it comes down to is money and explained why. In certain budgets there was a number allocated to tax, title, attorneys and surveyors, taking of owners unknown and the research involved. He suggested it be put back on the tax payers and seeing how important it is while leaving a cushion in the budget so they can do some in case this doesn't go forward. He suggested the Board needs to create a policy and needs to create a warrant article on a yearly basis that it's a certain amount of money TBD into an article for town meeting to vote to clean up our MESS. They have exhausted conversation on this issue

Mr. Ballantine agrees and the chore is to write the warrant article, we are hoping this will be an investment to gain some revenue.

Ms. Anderson agrees and wants to continue until it's cleaned up.

Mr. Howell agreed and suggested they look at their policies, Harwich is the easiest place to get before a Planning Board. We need to delineate that if you can't prove with the deed that you own it, you're not getting in front of a Planning Board to do a subdivision because you're not eligible. It doesn't take a warrant article to do that.

Ms. Kavanagh agrees also. She asked if they make a priority list or keep it generic.

Mr. MacAskill commented that it's a dollar amount and then priorities of the Board. He suggested they put in the article that the Board of Selectmen will pick and sell 1, 2 or 3 properties to pay for the value of this article. He is looking to take back the hundreds of acres of land that are being pieced together and subdivisions planned when they could be used for affordable housing, wastewater offsets, whatever the town decides.

Ms. Kavanagh suggested the article be drafted in a way that allows the Board to move forward.

Town Administrator Powers thanked the Board for the discussion, it is very helpful and has given him clear direction. He also thanked Mr. MacAskill for suggesting that the town identify parcels to sell for the proceeds to be used to fund this. It will take more than one article, one that the town wants to dispose of certain property and use of the money would fund the tax title project, the second identifies that there are parcels to take. This takes the pressure off the budget.

Ms. Kavanagh poled the Board and there is a consensus to proceed.

CONTRACTS

A. Discussion and possible vote to approve Federal Emergency Management Agency (FEMA) Public Assistance (PA) program Contract - FEMA-4406-DR-MA-March 27, 2020 COVID-19 - \$12,923.609

Ms. Anderson moved to approve the contract as presented and to authorize the Vice Chair to sign pro tem, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

Town Administrator Powers commented that he would be looking for the Board to approve the Vice Chair to sign

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B. Discussion and possible vote to approve Federal Emergency Management Agency (FEMA) Public Assistance (PA) program EMA_4496-DR-MA-March 27, 2020 COVID 19 - \$19,024.20

Ms. Anderson moved to approve the contract as presented and to authorize the Vice Chair to sign pro tem, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

C. Discussion and possible vote to approve a change order for Coviello Electric in the amount of \$4043.83 for Brooks Park Lighting Project

Ms. Anderson moved to approve a change order as presented for the Board to sign, 2nd by Mr. Ballantine. Vote 5:0 in favor by roll call. Motion carried unanimously.

TOWN ADMINISTRATOR'S REPORT

Town Administrator Powers emphasized the discussion the town is hosting regarding suicide awareness, Thursday, February 17th. This is a way to get a better understanding at 5:30n at the Brooks Free Library.

SELECTMEN'S REPORT

Mr. Howell expressed concerns regarding depression especially during COVID and how it is affecting the kids.

Mr. Anderson reported that she sat in on a meeting of Selectmen and County Commissioners on ADU's (Assessory Dwelling Unit). It was nicely done. She would like to continue that discussion to help make that happen.

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

Respectfully submitted,

Judith R. Moldstad
Recording Secretary