



APPROVED

RELEASED

**MINUTES  
SELECTMEN'S MEETING  
REMOTE PARTICIPATION ONLY  
TUESDAY, FEBRUARY 16, 2021  
6:00PM (Executive Session)  
6:30PM (Regular Session)**

**SELECTMEN PARTICIPATING:** Larry Ballantine, Donald Howell and Edward McManus

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

**CALL TO ORDER**

**EXECUTIVE SESSION**

A. Pursuant to M.G.L. c. 30A section 21 (a) paragraph 3 to discuss with respect to collective bargaining for the Highways and Maintenance Employees Association. (HMEA) if an open session would have a detrimental effect on the town's bargaining position and the Chair so declares.

Chairman Ballantine reported having a good discussion regarding the collective bargaining for the HMEA and hopes to report the conclusion of that discussion next week.

Mr. Ballantine moved to open Regular Session, three members are present. That is a quorum.

Mr. Howell spoke, the Town of Harwich has lost yet another treasured gem this past week, Cynthia McGalliard. Mr. Howell reflected on Ms. McGalliard's involvement in the town over the past 30 years. All paused for a moment of silence in her honor.

**WEEKLY BRIEFING**

Town Administrator Powers introduced Meggan Eldredge, Interim Health Director and Assistant Town Administrator

**A. COVID-19 Updates**

The Town of Harwich has been downgraded from red to yellow, positivity rate has gone down and the town is below 5%. She noted statistics regarding numbers of tests done and numbers of positive results. There are fewer active cases than a week ago. Most of those are from household spread. Ms. Eldredge encouraged people to answer the phone, if you've tested positive and the VNA or a contact tracer calls. They can offer help, information re: grocery delivery and other services. Vaccine update: we are still in phase 2 group 1, hoping that the Department of Public Health keeps us there until the back log is taken care of. In regards to getting more vaccine on the Cape, the 975 that is allotted is spread thinly across Cape. The private pharmacies are not getting enough either. Ms. Eldredge had a conversation with Outer Cape Health, they are getting vaccine and are able to set some aside for Harwich residents. Ms. Eldredge is also working with the Council on Aging and the Health Department to compile a list of homebound people in town. The hope is that Outer Cape can order some vaccine for Harwich residents in the next week or two. Ms. Eldredge encouraged people who are homebound to contact the Council on Aging so they can be put on a list. Barnstable County is getting approximately 8-9%, the weekly bulletin they send out is showing the majority being distributed in the Suffolk County area. They are trying to work towards equity as Barnstable County has the highest demographic for people over the age of 65 than any other county in all of New England. Senator Cyr is trying to bring this to the Governor's Office and hopefully

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someone will listen to the needs of the Cape. The 211 phone line refers people back to the Barnstable County helpline which is also overwhelmed. The Health Department continues to monitor cases to try and prevent the spread, they are dealing with isolation and quarantine, making sure people aren't going out when they or someone in their household is sick or quarantined. There are sites available for free testing.

Mr. Ballantine mentioned that this is school vacation week and asked if Ms. Eldredge had comments or guidance.

Ms. Eldredge replied that a surge is usually expected two weeks after a holiday or vacation week. The school has sent out notices to parents with guidelines on the travel order. Ms. Eldredge encouraged families to stay inside their bubble, if you are out of that take precautions with distancing and masks.

B. Update one ongoing efforts by the Town in support of the business community

Town Administrator Powers noted that the Chamber of Commerce Executive Director is here with news.

Cynthia Williams has exciting new ways to showcase businesses and the community. They are going to be videotaping and uploading to social media and You Tube, three new shows that will showcase various sectors of the industries in Harwich. The first is called The Small Town with Big Taste Tour. Ms. Williams and Kristoff, Chamber President and the Manager of 400 East will be interviewing the owners and chefs of our area restaurants and tasting their great food. Also, showing what they are doing to make their customers feel comfortable dining inside as well as what they will be doing for the spring and upcoming season. The second show will highlight our hospitality partners, the inns and bed and breakfasts, hotels and more called Your Home Away from Home. The third is called Small Talk with Local Businesses. Ms. Williams noted that we are so fortunate to have so much in Harwich. She's excited to share the 7 villages with everyone. The Wequasset Resort and Golf Club is recipient of the 4-5 star resort award for the 6th year and a 5 star for the restaurant which is one of 73 in the world. That will be one of the many restaurants they will showcase.

#### **PUBLIC COMMENTS/ANNOUNCEMENTS**

No comments or announcements made.

#### **ANNUAL COMMITTEE PRESENTATIONS**

A. Traffic Committee

Jerry Beltis has asked Linda Cebula to do the presentation.

Ms. Cebula noted that the Annual Report had been submitted to the Board as well as a brief memo indicating answers to the Board's questions. Attendance has been good, members are sworn in, minutes and agendas are posted as they have them. They have 3 members, the Board of Selectmen appoint 2-4 more, and there is one person interested in applying. This year, the Committee would like to work on a line of sight policy that might have some procedures and a mechanism whereby people can be made to cut back the bushes. Right now, there are some dangerous intersections, many bushes and trees are impeding vision and it is a traffic safety issue.

Mr. Ballantine agreed that the line of sight issue is important. He asked that, as the Committee moves forward they will have public hearings on that to get public interest.



Ms. Cebula answered yes, people are always invited to their meetings. At their next meeting, they will start talking about what this could entail. Other communities do have sight by laws etc. so the Committee will gather those and see what they can pull together. They will absolutely want input from the community.

Mr. Howell commented that most people are under the impression that they own the property right up to the roadway and that is where a lot of this is happening. The town is not being hostile to their property rights, that's the reason postal boxes are put where they are. They are not on anyone's property, they are on the road layout. The more people that understand this as an obligation, not punitive, the better off everyone will be.

Ms. Cebula noted that when approaching a curve at an intersection, so many of the roads on Cape curve, curves and hills make it difficult to safely make a turn.

Mr. Beltis added that they are working on the intersection of Rte. 39 and Pleasant Bay Road. The sight line is terrible there and they are looking to do an improvement in that intersection. There has been communication with a property owner who is willing to give the Town a permanent easement to improve the line of sight. Mr. Beltis described the multistep process.

Ms. Cebula is hoping this will be added to the Capital Plan for the required money.

#### B. Treasure Chest Committee

Town Administrator Powers reported that the Treasure Chest closed on March 11, 2020. The Committee has been inactive since, no meetings since their last presentation, the DPW Director has stated he cannot recommend reopening until COVID-19 is no longer with us. Currently that building is being used by the Highway and Maintenance Department for storage of some equipment.

#### C. Voter Information Committee

Christine Joyce reported noting the members of the Committee, the report has been submitted to the Board. The Committee's attendance has been excellent, all members are sworn in, 3 of the 4 have completed the ethics testing, and the 4th will be completed by the end of the month. All agendas and minutes are up to date. The Know Your Town Program has been closed down, they are going to use Podcasts to solicit questions ahead of time for the department heads. They hope to start taping this month. A date has been set to review the warrant on April 20th. Also, they plan to tape interviews with the candidates running for office. A trifold entitled A Guide to Town Meeting is being drafted and will require some review from the town. Ms. Joyce noted to the Interview Committee that they are short one member.

Mr. Howell noted that they have no candidates at this time but if anyone shows an interest, they will certainly look into it.

### **PUBLIC HEARING/PRESENTATIONS**

No public hearing or presentations were heard.

### **CONSENT AGENDA**

- A. Vote to approve the Town Administrator's recommendation to grant permission request of NSTAR/EVERSOURCE ENERGY of installing approximately 25' of conduit and cable and one (1) handhold #106/H70A in road to provide electrical service to customer at 1361 Orleans Road
- B. Vote to accept a gift from the Harwich Athletic Association (Harwich Mariners) in the amount of \$75,000.00 for its efforts to replace the existing scoreboard and field lighting at Whitehouse Field

Mr. Howell moved that the Board approve the agenda items as listed above, 2nd by Mr. McManus. The vote was 3-0-0 with Mr. Ballantine, Mr. Howell and Mr. McManus voting aye by roll call.

### **NEW BUSINESS**

- A. Ember Pizza Inc.-discussion concerning Town /Administrator's Findings and Recommendations after disciplinary hearing: discussion and possible vote to relative discipline based on said findings: discuss and possible vote on procedure for considering application to renew licenses.
- B. Port Restaurant and Bar, Inc.-discussion concerning Town Administrator's Findings and Recommendations after disciplinary hearing: discussion and possible vote to relative discipline based on said findings; and discussion and possible vote on procedure for considering applications to renew licenses

Town Administrator Powell spoke to the first two items. The expectation is meant to be a discussion amongst the Board on the findings that he has made regarding the two recently held hearings. The Board had requested Town Administrator Powers be the Hearing Officer on the allegations and alleged violations relating to Ember Pizza and separately Port Restaurant and Bar Inc. Included in the packet is a comprehensive report from that and as shown in the memorandum, the recommendation at this point is to hold a penalty until the Board has a discussion on the next steps. Present is Town Counsel Gregg Corbo of KP Law who was invaluable as a resource during the hearings. He is here if the Board wishes to engage in a conversation of options and next steps.

Mr. Ballantine directed to the fellow Board members. The allegations are specific and spelled out. He asked if there any questions on the information provided from the hearings. No questions asked.

Attorney Gregg Corbo summarized. The Town Administrator has conducted a hearing on charges that these two establishments violated the Governor's COVID safety regulations on several occasions during the spring and summer of 2020. As a result of those hearings, the Town Administrator did find that violations were proven as to both establishments. In addition to the particular violations, it has come to the attention of counsel and the Board that both of these establishments have been subject to numerous complaints from residents and others in the neighborhood, specifically concerning noise. The practice of the Board in taking disciplinary action has always been to move forward on specific complaints that were verified by the Police Department. However, the resident complaints are at a point where the Board may feel compelled to take further action to at least hear those complaints. Both of these establishments have season alcohol licenses which come up for renewal in March. In connection with an application for renewal, the Board could hear these complaints and make a decision on whether or not to renew those licenses. Under Chapter 138 of the M.G.L.s, an applicant for renewal has the benefit of presumption of renewal which means that, all things being equal, if you've had a license in the past, the application is automatically renewed unless there is some cause for the Board not to renew. Cause not to renew may include evidence of violations as well as other factors that go into the original granting of the license. When originally granting a license, the Board is required to look at certain factors, determining the public need which includes the number of existing license holders, traffic and noise in the area, the opinions of the neighborhood and overall reputation of the applicant. On renewal, the Board looks at these same factors and decides whether it's still consistent for the public interest for this licensee to be there. If not,



the Board can make a decision to not renew. That would require its own public hearing when you could hear from members of the Police Department as well as members of the public. The Town Administrator's recommendation here is with respect to the COVID violations, is that you hold off any discipline until after the Board makes that decision. If the decision is to renew the licenses for the upcoming year, the issue of discipline based on the COVID violations can then be picked up in the nature of a suspension or a hearing or something of that nature. The more traditional way is to treat the decision on discipline separately and either issue a suspension, a warning or a revocation. Then renew the licenses in March as a matter of course.

Town Administrator Powers commented that Attorney Corbo covered the information comprehensively and stands ready to answer questions as to what the Board wants to do next. If the Board is leaning towards having a public hearing relative to the renewals for these establishments given all that has transpired and the amount of public input that is indicated is out there, he recommends a dedicated meeting, separate from a regular Board meeting.

Mr. Howell commented that he would like to go ahead with a hearing and agrees that a separate meeting is a good idea. He also feels they should be sure there is a full complement of Board members at that hearing. He does not feel it is appropriate to take further actions tonight.

Mr. McManus agrees.

Mr. Ballantine agrees and would like to take the option of getting the information together to get a fuller picture of what the issues are. He also agrees to recommend a second hearing.

Town Administrator Powers confirmed with Mr. Ballantine that it should be predicated on applications for renewal being received during the month of March.

Mr. Ballantine responded, correct.

Town Administrator Powers noted the general time line for seasonal licenses. They just received the material from the ABCC which is a reminder that they should not be released to the applicants prior to March. The annual licenses are meant to be dispatched in a certain month, that month is March. Staff is prepared to send those materials out in February and upon receipt of the application coming back for renewal, would then work on 14 day requirement for the hearing notice. Confirmed with Atty. Corbo. They will work with the date that the application is filed. There is an element here that is incumbent upon the licensees to initiate the proceedings of seeking renewal. If they submit their renewal applications in order in early March, the hearing can be done by the middle of March based on the notice requirements. If the application doesn't come in until later in March, that will push off the hearing until closer to April.

Atty. Corbo agrees with everything just stated.

Mr. Howell noted that there is a specified time period regarding notifying the public of a hearing. If the application doesn't come in, they will be unable to hold the public hearing until they are aware that there is an intent to renew. At that point the clock starts for notice to be put in the newspaper and make the public hearing announcement. If they submit it later, the public is notified later.

Mr. Ballantine added that it is critical that people know about these hearings.

Mr. McManus suggests that when the application is received, and they go about setting the hearing date, that meeting be on a Monday. It would allow for the best chance of having all Board members present.

Mr. Ballantine noted, for the record, he will be off Cape the last week in March.

Mr. Corbo noted that no motion is needed at this time. He and Town Administrator Powers have enough direction to move forward at the appropriate time and let the Board know once the applications are received. At that point they can start looking at the calendar for hearing dates.

C. Discussion and possible vote to approve Police Chief Guillemette's appointing of a new dispatcher.

Police Chief Guillemette and Deputy Chief Kevin Considine are present. The Board members have the Chief's presentation in their packet. It is brief but lays out that they have been short one dispatcher at Harwich PD since this time last year, the delay caused by COVID and budget concerns. They were able to get underway in late fall of 2020 in the process. They are pleased to recommend, for this position, Kyleigh Sears who is present tonight. He offered a description of her background and supported hiring her as a dispatcher.

Mr. Howell moved that upon the recommendation of Police Chief, to appoint Kyleigh Sears to the position of Police Emergency Communications Dispatcher, HPD, effective February 22, 2021 for a salary of \$45,199.64., 2nd by Mr. McManus. The vote was 3-0-0 with Mr. Howell, Mr. McManus and Mr. Ballantine voting aye by roll call. All members welcomed Kyleigh to Harwich PD.

D. Discussion and possible vote to approve ArbNet Arboretum Accreditation for Marceline Arboretum at Island Pond.

Town Administrator Powers noted that the Board has before them, from the Cemetery Director, Robbin Kelley. A significant amount of work has done by Robbin in an effort to get the Arboretum. She has done remarkable work, it is an incredibly thorough document. He knows the number of outside agencies and people she has worked with. Town Administrator Powers thinks it's a wonderful idea.

Cemetery Director Robbin Kelley gave an update and background. She also mentioned the names of people she has worked with and what they contributed to this project which began in 2017. She described the Arboretum which is in Harwich Center in a historic site. There are only 13 other Arboretums in Massachusetts. The Marceline Arboretum will be the first accredited arboretum on Cape Cod. It will be completely free and open daily to the public.

Mr. Ballantine asked that the term "accredited" be explained.

Ms. Kelley referred to the paperwork that is in the Board's packet, which has to be submitted to Arbor.net. They verify that all the trees have been identified, that the trees are labeled on the map, and that tree tags be added to identify them in the Arboretum. The accreditation is a verification that it is an arboretum.

Town Administrator Powers added that it is a rigorous application and a rigorous process that is vetted by the Morton Arboretum, the Botanic Gardens International as well as the American Public Gardens Association. This is a rigorous process and the end result would be a feather in the cap of the Town and certainly to the Cemetery Director, if we were to achieve this accreditation.

Mr. Ballantine hopes that it will be well publicized.



Mr. Howell moved to approve the ArbNet Arboretum Accreditation for the Marceline Arboretum at Island Pond, 2nd by Mr. McManus. The vote was 3-0-0 with Mr. Howell, Mr. McManus and Mr. Ballantine voting aye by roll call.

Town Administrator Powers noted that the next two actions are related but two separate actions by the Board. The Board received, at the beginning of the month, notice from DCR regarding property near the Headwaters bog. There is an article working its way through the Community Preservation process which will then come to Town Meeting regarding the sale of land from an individual to the Harwich Conservation Trust. Intermediaries would be the Town of Harwich and for a portion, the Department of Conservation and Recreation. The first item is a procedural requirement for the Town to give notice that the Department of Conservation and Recreation is considering acquiring a parcel. In tandem with that is whether the Board would consider waiving the requirement of the 120 day notice. The 120 days would be past the Town Meeting date. Mr. Shaun Provencher is present to educate the Board and answer questions.

Mr. Provencher stated that whenever DCR is looking to acquire a piece of land for protection under Article 97, they have to follow regulations that say that they make a public announcement and that the Announcement Form is signed. They must also notify public and elected officials. They are looking to purchase, as part of the Partnership Program, 1.38 acres on the northern side of Headwaters Drive where the Rail Trail intersects. It makes sense for DCR to pick up this parcel as part of the Partnership Project to protect the corner and to help protect the views shed as part of the larger conservation effort. They are hoping to have the Public Announcement signed tonight. They cannot close on the project until 60 days after that paper is signed. Also, the regulation says they cannot close until 120 days after public officials are notified. The 120 days goes into June. Their fiscal year is June 30th. They hope to avoid having all of their Conservation projects end up in June.

Mr. Howell asked if the part of the parcel he is interested in is northwest.

Mr. Provencher responded no, it would be northeast of the intersection of Headwaters and the Rail Trail, at the point where the Rail Trail is pointed north-south and Headwaters runs east-west.

Mr. Howell asked if this would impede the public's access to the pond. It was answered that it would not,

E. Discussion and possible vote to authorize the Chairman to sign the Certificate of Announcement for DCR #P-000974 pursuant to 301CMR 51.08(2) which states that the Department of Conservation and Recreation is considering acquiring a 1.38 acre parcel of land located in Harwich known as 0 Headwaters Drive, located on Assessors Map 81, Parcel G2-4-2 for conservation and recreation purposes.

Mr. Howell moved that the Board authorizes the Chair to sign the Certificate of Announcement for DCR #P-000974 pursuant to 301 CMR 51.08(2) which states the Department of Conservation and Recreation is considering acquiring a 1.38 acre parcel of land located in Harwich known as 0 Headwaters Drive, located on Assessors map 81, Parcel G2-4-2, for conservation and recreation purposes. 2nd by Mr. McManus. The vote was 3-0-0 with Mr. Howell, Mr. McManus and Mr. Ballantine voting aye by roll call.

F. Discussion and possible vote to waive the 120 day notice period as required by 301 CMR 51.08(1)(b) pursuant to DCR #P-000974, the 1.38 acre parcel of land located on Assessors Map 81, Parcel G2-4-2

Mr. Howell moves to approve that the Board waive the 120 day notice period required by 301 CMR 51-08(1)(b) pursuant to DCR #P-000974, the 1.38 acre parcel of land located on Assessors Map 81, parcel

G2-4-2. 2nd by Mr. McManus. The vote was 3-0-0 with Mr. Howell, Mr. McManus and Mr. Ballantine voting aye by roll call.

G. Vote to approve 2021 Annual Entertainment license renewals:

1. 400 East-Weekday-Wednesday, Friday, Saturday 5PM-10PM outside
2. 400 East-Sunday 2PM-6PM outside

Town Administrator Powers noted both requests and pointed out that the requests were reduced from previous years.

Mr. Howell moved to approve the Annual Entertainment License for the 400 East, Weekday-Friday, Saturday 5PM-10PM outside and also approve the application for Sunday 2PM-6PM outside, 2nd by Mr. McManus.

The vote was 3-0-0 with Mr. Howell, Mr. McManus and Mr. Ballantine voting aye by roll call.

### **OLD BUSINESS**

A. Discussion and possible vote-Amendments to the Town Administrator's FY 2022 Budget

Town Administrator Powers spoke about the budget. This is the Board's first of two opportunities before they are compelled by the Charter to pass along the budget of the Administrator. The Charter says, with or without amendment. If the Board has any potential amendments they would like to consider tonight, they will have an opportunity for further amendments or any amendments next Monday the 22nd before being transmitted, at whatever form they wish, to the Finance Committee.

Mr. Ballantine noted that on the summary page is the Monomoy School budget which he'd like to bring back for further discussion next Monday.

Town Administrator Powers said, following up on the special meeting that Mr. Ballantine participated in as a Selectman with the Chatham Select Board last Wednesday. The Monomoy Regional School Committee and the School Committee meeting is later this week. We are hoping to have this topic, specific to the budget for Monomoy, come back on the 22nd. Hopefully the two towns of the school district would be able to come to some sort of relief to the Town of Harwich, given that our assessment went up over a million dollars while Chatham's was reduced by a quarter of a million dollars. Something is expected to come from Thursday's School Committee Meeting that can hopefully impact this Board next Monday.

Mr. Howell stated, for the record, those changes were precipitated precisely because of a drop in enrollment on the Chatham side while Harwich is picking up a disparity percentage. The conversation, at times, centered on a member of the Chatham Board saying that we were seeking an offer of relief. Nothing could be less true than that. This is a matter of equity to the Town. We are simply not in a position to continue to subsidize the current operation in the manner that it is, especially if we're contemplating a budget deficit. This is a substantial portion of what the Board is facing, it's not a hand up from somebody, it's recognition that a disparity has grown since the beginning of the establishment of this school system. It results in us having to subsidize a school that is not in this town.

Mr. Ballantine stated that the take home from their meeting last week. It was an equity discussion on what we're subsidizing and some direction primarily from the school on moving ahead to long term when we

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start addressing the agreement itself. There are two actions but the immediate concern is getting ready for Town Meeting. Otherwise, Mr. Ballantine feels the budget is well put together. We've taken some drastic cuts and Carol Coppola did a nice job making it clear.

Carol Coppola has been speaking with the Golf Department, they are concerned about the revenue that is estimated for FY 2022. They would like to see that revenue increased from \$1,585,000 to 1.8 million and she noted the reasons. They feel they can support the 1.8 million dollars.

Mr. Howell stated that Town Administrator Powers and Carol Coppola have created a budget that is both truthful and transparent, more than he's seen in 20 years. It's accessible to town people, it isn't hiding anything and it's well laid out. He appreciates the effort on both their parts.

Mr. Ballantine confirms that this will be back next week. The focus right now is to work collaboratively with Chatham to be part of this regional district.

Mr. McManus spoke regarding the golf course suggesting that their revenue be increased. Last year it was held down because of the limitation they had with starting times because of the pandemic. He is not sure what the estimate is now, there may be similar restrictions this season. He asks that if the revenue is increased, that the golf course be asked to do an analysis to be sure they will be able to make that.

Town Administrator Powers responded, based on what the Finance Director read and what he would like from the Board. He can come back next week with precisely that analysis that Selectman McManus has recommended. He will be seeking direction from the Board no later than next Monday on those revenue projections. He refers to the materials in the paperwork of the preceding year, they eclipse the 1.8 million in FYs 2018 and 2019. They were impacted in 2020 and part of 2021. He feels that the analysis will be timely and that it should support their recommendations. He'd like to come back with something formal next week on this.

#### B. Ongoing discussion-Comprehensive Wastewater Management Plan (CWMP)

1. CWMP Revision Strategy
2. Chatham Sewer Coordinator

Town Administrator Powers notes the reoccurring theme conversation regarding CWMP, the group of 4 meets every week, ahead of a Selectmen's Meeting. He amends that statement going forward, it is now a group of 5 as he has asked the Assistant Town Administrator to participate. Meggan Eldredge now about this project as she has been the Health Director. Her joining the group has been immediate and a benefit. Town Administrator Powers explains that more of what they are looking for is a thought piece or a discussion piece for the Board. Staff has been working on matters related to the CWMP for several months now with an eye towards Town Meeting and being prepared for topics, if any, before Town Meeting. The CWMP is a document that was finalized 5 years ago next month. It's the opportune time to take another dive into the CWMP, given the introduction of new staff, present company included. The discussion they had as a group, related to this topic, it is really to get direction from the Board as to how they would like them to parse through the CWMP to focus on revisions.

Dan Pelletier, Wastewater Superintendent, stated that over several months there has been much discussion over the towns. CWMP and what the logical path is for Harwich. The discussions have been informative but they are really part of a bigger conversation which is revising the CWMP and filing a notice of project change with the regulatory agencies. To actually flush that out, he proposes a strategy for making targeted revisions to the CWMP for the purpose of incorporating the most up to date technical data, the Town's desire for future growth and build out, updating and revising the construction sequence, alternative technologies and updating the cost models. In addition, he looks to the Board for any other



additional items to be considered for revision. Once we identify what we're looking to tackle, the Town's staff will work through the CWMP to extract applicable sections and assemble them into a targeted revision schedule which will identify the specific sections and in which order we should revise the CWMP. The intent is to ensure that we are not nullifying our work as we move out through the process. With input from the Board, staff will work together to gather the information relative to the items within the targeted revision schedule where it can then be presented to the Board for their consideration. At a high level, this approach is intended to identify what we're looking to change, providing an understanding of what's currently written, to the Board, to ourselves and to the public, to understand what the Town's desire is to move forward, what we want to make for these revisions and bring back a recommendation with supporting documentation. There are going to be many items that are going to require feedback from the public, from boards, committees as well as consultants. Later this evening, the Board is going to be looking to take action on the Sewer Contract. That would be a great opportunity for us to move forward to begin this process for the kickoff meeting, to get a better handle on where we are today and what direction we are heading in. That is a general overview of Mr. Pelletier's proposal.

Mr. Ballantine requested that Mr. Pelletier send that in an email to the Board members so they can digest it and fill in the blanks. The CWMP was developed based on MEP that provided a good plan and direction going forward. What we're looking at now is now in the packet, it's how do we get there. It should be reviewed every 5 years with new data and new technology. Now's the time to put this forward. You and your team have provided some order into that.

Mr. Howell points out that Mr. Pelletier was on target and he appreciates the professional approach that they are now taking towards this. He refers to the phrase "desired growth", that was the predication for an awful lot of assumptions based on the sewer volume. He points out that we are 7 years after when that assumption was first floated in the executive summary. Where's the zoning change that would flush that out? There has been no zoning proposal, it was a colossal implosion when they added discussion about the East Harwich Village Center. There were a number of hearings done. There has never been something that flushed out that fire from that part of town to fully develop East Harwich. One of the obvious ways to attenuate the progression of nitrogen loading is that you don't build as much. You try to look back on what you're doing and right now we have not done anything that would indicate that we have a desire in this town to replicate another Marshalls or TJ Maxx. Most of the robust growth has been Zudy, Outer Cape Health Care etc. Unless the Planning Board is working on something that would more fully develop East Harwich, they should be taken into account. Whatever our desire is doesn't mean anything unless it gets to Town Meeting, which it hasn't. The second thing, how far away are we from getting the actual measurements, the flushing attenuation methodology and finding out the real numbers?

Mr. Pelletier responded to the second questions that they did have a meeting with Pleasant Bay Alliance and all the committees and they did go through the preliminary numbers but he hasn't seen the report. Regarding the first questions that Mr. Howell just brought up, is exactly what he is suggesting is brought to the table to talk about. His understanding now is that the CWMP, although it's not a zoning pool and it's not a zoning document, speaks a lot about the East Harwich Village. It no longer seems to be a desire of the community. Those items, he is hoping, they can build that list on and then he and Griffin can go through the CWMP and find every point in that and then bring it back as things that we need to amend and this is how we recommend we do that.

Town Administrator Powers builds on what Mr. Pelletier said, he referred to as revisiting which is not the correct word as he, Mr. Pelletier and Ms. Coppola were not present at the creation or when these were discussed. To Selectman Howell's question, to whether we say desire in growth or not desire in growth, the point that he takes on this is that we are in the midst of beginning the process of our Local Comprehensive Plan which is a decennial project. We will be revisiting our Local Comprehensive Plan at the same time when we can reengage in the Wastewater Management Plan and further this, to foreshadow



this into the next item. It ties into the planning and hiring a Director of Community Development. It makes it easy to develop the interview questions. They will be relative to local planning and also the Comprehensive Plan and the CWMP. There is fortune in being able to revisit the CWMP 5 years after it was finalized while they are also moving into their decennial effort on the Local Comprehensive Plan and bringing in another professional manager.

Mr. Howell agrees this is a perfect opportunity to not just take in the abstract, but to say, if you approve this, it will result in that. That discussion has never happened. It's an important discussion to have because there is a direct correlation between the two.

Mr. Ballantine comments that, that is the direction we are going. It's been 5 years, there was a lot of interest 5 years ago on East Harwich. That interest has faded. We don't have to stick with that if that is no longer an interest. The CWMP was not meant to be a controlling document. We are going in the right direction.

Mr. McManus commented that we are launching on a re-do or revisit of our Comprehensive Plan which takes in many things, both commercial and residential development. The previous efforts 5 years ago, on the East Harwich Village, was what would happen to the commercial center of the Village. There wasn't any particular agreement on that between the Planning Board and the folks that were on the Study Committee. He and Mr. Ballantine tried to bring the two sides together which turned out to be fruitless and that's why nothing went to Town Meeting to enact any of those discussions. As we go forward, one of our biggest considerations that has been brought up, is providing housing for working people. We will have to look at that seriously in all parts of town. It is no mystery that, in terms of building housing that is affordable, if you continue to restrict yourself to one acre lots, you drive the price up substantially and folks who work here and make their living in our seasonal economy, can't afford that sort of housing. You run into an issue if you want to make it more affordable, you want to minimize the cost of providing Wastewater attenuation by limiting the amount of development. You are going to continue to drive the cost up for those working people trying to find housing. As we go through the planning process, this is going to be a difficult balancing act to making between having affordable housing without limiting the amount of growth so much that the housing becomes so expensive that none can afford it. Before we talk those sections out of the CWMP and revamping it by eliminating those sections, we have to make those other decisions throughout the Comprehensive Planning process about what we want our town to become in terms of who it can house, who can live here, etc.

Town Administrator Powers feels it may be helpful to the viewing audience for him to take a quick moment to say the difference between the two plans he has referenced. The Local Comprehensive Plan is meant to be a ten year deep dive. When you talk about your Local Comprehensive Plan it's just that, it's a mega document that is developed over a year or two, conversations with the general public on what do we want to focus on and what we want to be in the next ten years. The Board of Selectmen, Planning Board, Zoning Board and any other Boards are involved in a series of discussion to create this compendium that talks about our focus for the next ten years. That is why he's suggesting tonight as the Wastewater Superintendent puts out there, as we take about diving into the CWMP for a five year checkup, the timing works our fortuitously well to dovetail that with the CWMP. He hopes it's less confusing for people when he says CWMP vs LCP

Mr. Howell notes that of all the people there, he is the only one who largely wrote the first comprehensive plan, he was the Vice Chair of the Planning Board in the 90's. He is familiar with the process and there was a recognition in that of how fragile East Harwich was, in particular because of its Drinking Water Protection District and the zones of contribution to the drinking water and where the water flows. In answer to Mr. McManus' comment he can also say that as the Chair of the Housing Trust, they have absolutely nothing planned for East Harwich because there are 6 other villages and they have to have a



balance. Given where they are with the Trust, they would only be envisioning an expansion of opportunities in East Harwich for 40B's that were not part of the Town, they were hostile 40B's at worst and at best, 25% of affordable housing. From the perspective of the Housing Trust, we've got two projects, one big that they working on in Executive Session and one is small. Neither of them are near East Harwich.

Clara McLardy is relieved and excited that this is on the agenda tonight, she loves what's been laid out to revise and revisit and the way Dan described it. She mentioned how open-minded Mr. Ballantine is. Regarding the affordable housing question, Ms. McLardy recently took a class called the Economics of Sustainability. She feels that she speaks for others too when she says that we, the Cape Codders, really feel that Cape Cod has limits, physical and ecological limits. None want to damage Cape Cod. They don't want to see fish kills, algae blooms, lost species and woodlands. That matters to people and she strongly believes that there is a solution where people can live here and use the land in a responsible way, respecting the limits that the land poses on us. We are within the habitat, we are a subset of that and our economy is a subset of human society. That is there for the benefit of humans and the humans are here as part of something larger than ourselves. For 50-70 years, we have been relying on the ability to build a whole bunch of new construction tenuously and keep on growing our economic base. We are reaching a point where people are realizing that that is not going to be a way of life that is sustainable going forward. We have to acknowledge that and recognize these boundaries and limits. We may not always be able to have an expanding economy for more visitors or more tourists. We may have to live more simply in order to respect the planet. She feels that people are ready for that. She has contacted Conservation Law Foundation, Vice President Chris Killian. He is aware of what's going on in Harwich. They've heard about threatening letters and the law suit hanging over their heads. It really is good news, after talking to him, that what they are interested in seeing happen is the same thing that she is interested in seeing happen. One of their biggest concerns would be how slow to take effect the CWMP might prove to be and sewerage projects in general can take a long time to bring benefits. Some habitats can come back and be restored once they have relief from the nitrogen. They will begin to regenerate and rebuild the water bodies, they will begin to denitrify through their own biological processes. One of the things we can revisit is the speed in which we bring about relief, things like the fertilizer reduction, buffer plantings, putting IA systems in unattenuated areas and restricting construction. Those things have quick benefits that can help the systems to start to regenerate and those are the types of things the Conservation Law Foundation would like to see happen, what a lot people would like to see happen. She would also like to see the discussion about the growth, limits on future growth as an item for discussion and also on reducing our nitrogen pollution.

Mr. McLardy is also excited, he had things prepared but he pushed it aside, it's more the itty gritty, this discussion has been about the big picture and that is a great place to start. He feels very optimistic about addressing the big picture. He thanked all the members of the Board. He looks forward to the ongoing discussions. He reflected on his appreciation for what Cape Cod is, within that context we have to see, and how we alleviate housing for local workers. It's a very real issue and it's not an easy solution and he thanks the Board for bringing out the big picture.

Town Administrator Powers stated with all due difference to the Conservation Law Foundation, that is not a motivating influence for what he and staff are working on. He is aware of the potential threats that are out there. He reminds everyone that the Town of Harwich has been engaging in Comprehensive Wastewater Planning for several decades because of the 208 program with the EPA. We are part of the coalition here on Cape Cod that are all bettering our water systems and moving nitrogen. It is not in response or because of any one advocacy group that's out there, that is certainly part of the narrative but as he said, he and staff are motivated by first making sure that they offer information to the Board to continue to make informed decisions on behalf of the Town. They are motivated by any number of pressing issues. What they are not suggesting is that they are not stopping. We need to continue the



progress we are making in attenuating the nitrogen in support of the 208 Program that we have been a partner of. If comments are made related to CLF, they are not an influencer in this town for what we are working on. We are not working under a threatening cloud. We try to actively progress towards a decade's long discussion that's been happening here on Cape Cod and here in Harwich. An important distinction to make is that the Town of Harwich is operating in response and in partnership to the 208 Program and anything that came after that or related to that continues to be ancillary. This is why the group of 5 has been working on this and why it is coming up every week to the Board.

Town Administrator Powers noted that there is a scribbler's error on the agenda. The next item should read Chatham Sewer Coordination.

## 2. Chatham Sewer Coordination

Wastewater Superintendent, Dan Pelletier took part in a meeting last Friday with members of Chatham and GHD, their engineering firm. These were an extension of the regular construction coordinate meetings. With respect to the Wastewater Budget, one of the things they are still hashing out is the Contract Operations Budget figure. It is going to rely upon information and input from Chatham. He did speak with Bob Duncanson in Chatham and his recommendation was to coordinate and send a letter explaining what we are looking to do. He reached out to Wesson and Samson and did some brainstorming as to what we're looking to do day to day as well as ongoing maintenance, to get a better understanding of the manpower. They would then work with Chatham to refine their contract with Wesson and Samson.

C. Discussion and possible vote -Approve the reorganization plan proposed by the Town Administrator relative to the Planning Department and Community Development Organizational structure.

Town Administrator Powers stated that at this point there is no action, this is more of an update. Our Town Planner has retired but she has graciously served in a consulting role in the interim. This is related to the reorganization that he has been working on both in the Administration Department first and then the Town Planner. The packet contains the proposed job description that he and Meggan have been working with members of SCIU which is the bargaining union that represents this position on the impact of the changes. In Meggan's memorandum to the Board and the Town Administrator, is the proposed job description which has been approved by SCIU today, pending one other item. They'd like to see an organization chart for what is envisioned for the organizational structure known as Community Development. He will get that to them shortly. What the Board will be asked to endorse is the reorganization of the Community Development Organizational Structure. That is not a division as we understand it in the charter but it was more of an organizational structure that was never fully built out. The lynch pin of all that is this position of Director of Community Development. It's a change in title and a modest increase in responsibility. That increase is that this individual would be the primary advocate to work with the departments within Community Development. This primary advocate is meant to help find a software system that can get us back in the e-permitting game at a greater level than we have before. He is pleased to hear the preliminary approval of the SCIU Association regarding this change. It is important going forward. This is simply an update, no action necessary.

Mr. Ballantine commented that the disposition has an oversight role in the job description of Community Development, it doesn't describe what oversight means.

Town Administrator Powers responds that in the packet, third bullet point down, is the description that Mr. Ballantine requested. This is not meant to be a management over Community Development, more that this is the primary person to work with those other departments to identify critical needs. From his analysis of what's been happening with the Community Development over the last three or four years is that we were missing that one link. The management still remains within administration, though himself



and his designee as the Assistant Town Administrator. That third paragraph talks about being the primary advocate. The first person to speak to what the needs are, to sport the Community Development structure. For many people who go to Town Hall, they went up to the second floor knowing that they could speak to anyone in those four departments. Behind the scenes there was no official coordination between departments. That is what is meant by the oversight of the organizational structure.

Mr. McManus stated that he read the fourth bullet point. He feels that with a couple of additional words it could make that section much more specific and elucidating the issue that was brought up about providing that oversight of the Community Development Organizational Structure.

### **CONTRACTS**

- A. Discussion and possible vote for the Board of /selectmen to execute contract with GHD for Town Wide Sewer Modeling for \$150,000

Town Administrator Powers notes that this is a procurement. In the packet is the cover memo from himself to the Board, the pre-approval check list, the contract language itself, and the post procurement check list. The majority of this Board and the Board of Wastewater Commissioners endorsed the procurement. It is now literally time for the Board of Selectmen to endorse the contract by authorizing Mr. Ballantine as Chairman to sign, correction it is for the members of the Board of Selectmen to sign.

Mr. McManus moved that the Board approve the contract with GHD for the procurement of Town Wide Sewer Modeling services for \$150,000.00, 2nd by Mr. Howell. The vote was 3-0-0 with Mr. McManus, Mr. Howell and Mr. Ballantine voting aye by roll call.

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

Town Administrator Powers has 3 announcements. 1st-Christine Menard, the Executive Director for the Family Pantry of Cape Cod has asked to announce that they are working on a grab and go food pick up at Monomoy High School on Sunday March 21st from 8:00AM to 10:00AM. There is no registration required. Recipients will be given a large full bag of non-perishable food items and a five pound bag of apples. The Food Pantry does a wonderful job throughout Cape Cod. This is a great way to remind people that there is help if they need it. That information has been shared with Channel 18 and will be on the Town's website as well. 2nd- They have received word from the Monomoy Regional School Committee. There is a community forum scheduled on the future of Monomoy elementary schools. That will take place on March 4, 2021 from 6:30 to 8:00PM. It is a ZOOM event and this is an invitation to all parents, caregivers, educators and community members to attend. Lastly, he is happy to announce that Dan Pelletier has hired John Lang who will be a Secondary Distribution Operator, D2, for the Harwich Water Department. He comes to us with a strong background in water service. He will start February 23rd. Report concluded.

### **SELECTMEN'S REPORT**

Mr. Howell- no report

Mr. McManus- Prior to Christmas, the Aquinas Club did a sock collection drive in Harwich. They had been asked by the Help Pantry of Harwich to help out with doing a collection drive aimed at finding things for children, mittens, gloves, socks. And also, any sort of work book, puzzle book, any educational material that they can use for entertainment but also to help with the time that they are missing in school. They will be getting that off next weekend and getting announcements out regarding collection sites around town. They'll be providing further publicity in next week's Chronicle and the Cape Codder

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Mr. Ballantine- no report

Mr. Howell moved to adjourn, 2nd by Mr. McManus. The vote was 3-0-0 with Mr. Howell, Mr. McManus and Mr. Ballantine voting aye by roll call.

Respectfully submitted,

Recording Secretary,

Judith R. Moldstad

February 16, 2021

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