

APPROVED

**MINUTES
SELECTMEN'S MEETING
TOWN HALL
MONDAY, FEBRUARY 27, 2023
5:00 P.M. - EXECUTIVE SESSION
6:00 P.M. - REGULAR MEETING
REMOTE PARTICIPATION OPTIONAL**

RECEIVED
TOWN CLERK
HARWICH, MA

MAR 29 A 11:15

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

ALSO PARTICIPATING: Joseph F. Powers

CALL TO ORDER

Mr. MacAskill called the meeting to order at 5:00 p.m. to begin with Executive Session.

Mr. Ballantine moved that the Board of Selectmen enter into Executive Session to discuss items as listed below and that the Chair has declared that an open session would have a detrimental effect on the towns bargaining position, 2nd by Ms. Kavanagh. The vote was 4-0-0 with Mr. MacAskill, Mr. Howell, Mr. Ballantine and Ms. Kavanagh all voting aye by roll call.

EXECUTIVE SESSION

- A. Pursuant to G.L. c. 30A, sec. 21(a)(2) to conduct strategy sessions in preparation for negotiations with all non-union personnel including those with employment agreements: Finance Director, Chief of Police, Fire Chief and Town Administrator
- B. Pursuant to MGL c.30A 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; Harwich Maintenance Employee Association (HMEA)
- C. Executive Session - G.L. c.30A, §21(a)(7) - To comply with any general or special law - G.L. c.214, §1B

Mr. MacAskill called the meeting back to order and stated that no action was taken on any item under executive session.

PUBLIC COMMENTS/ANNOUNCEMENTS

Fire Chief David LeBlanc was present and announced that the Fire Department has received notification that they are the recipient of a federal grant in the amount of \$68,571. This request was submitted last year and was originally denied because funds ran out before they got to Harwich's application. Since then, ARPA money has been infused into the grant program and Harwich was awarded the secondary award based on that. Chief LeBlanc stated that the town will be responsible for \$3,000 and that the rest will be covered by grant money for the purchase of 8

thermal imaging cameras. Chief LeBlanc acknowledged Firefighter Christina Regan and Deputy Fire Chief Craig Thornton for their work on this grant.

Highway Director Link Hooper was present and stated that the Azalea Drive bridge project is officially underway.

Patrick Otton was present and stated that 2 weeks ago he brought up the issue of registering rental properties. Mr. Otton would like to make sure that this topic is placed on an agenda for discussion and asked to be notified so he can participate.

A. Committee Vacancies

NEW BUSINESS

A. Scott Carpenter, Superintendent to present Fiscal Year 2024 Monomoy Regional School District budget

Superintendent Scott Carpenter was present with School Business Manager Michael MacMilan. Mr. MacMilan stated that they received draft budget figures from the state last week and have updated their presentation to the Board. The figures have not yet been voted by the school committee. Mr. MacAskill stated that he would have the updated information in the packet for next week and that the public could request copies from the Administration Department if needed.

Mr. MacMilan stated that they continue to see an impact of COVID in the need for more academic intervention and broader social and emotional learning supports. They are also seeing financial pressures including inflation, shortage of labor and supply chain issues. Their draft budget request is \$44,323,116. Based on the current draft budget and estimates of foundation enrollment and state funding, there is an increase of \$1,050,770 (3.8%) for Harwich and \$145,077 (1.5%) for Chatham. Mr. MacMilan briefly reviewed the aging building infrastructure and talked about signs of progress surrounding Harwich Elementary School reading achievement and middle school MCAS scores. Mr. MacMilan went on to say that building the budget and assessments include expenditures, revenues and policies. He noted that the 1.5 million dollar increase is a little higher than the last couple of years and seems to be in keeping with the average of the last couple of years. A graph was shown of key facts that impact the budget. Part of the schools budget process always includes asking principals and directors what their budget needs are, which have been outlined in the information provide. The biggest request in the budget is for the creation of 2 district wide curriculum positions. Mr. MacMilan reviewed the schools capital and extraordinary maintenance items which include external lighting, district facilities pickup truck, replacement of the middle school IT network switch, stabilization, replacement of carpet at the middle school and updating all of the PA systems.

Mr. Ballantine asked if the school has a capital plan for all of the other replacement items as previously discussed. Mr. MacMilan responded that they do have a 10 year capital plan for replacing items. He added that the school staff does a great job of maintaining what is existing.

Mr. Howell asked if the boiler replacement would be with or without upgrade of the control systems. Mr. MacMilan responded that it would depend and added that some of the control systems have already been replaced. If they were to replace a boiler, it would include some replacement of some of the controls systems.

Mr. MacMilan talked about other revenue sources including school choice, circuit breaker (money received from the state for special education costs), grants and ESSER (federal funds to support response to COVID). He went on to review general fund revenue which includes chapter 70, excess and deficiency, transportation aid, charter school aid, Medicaid and other district revenue.

The total calculated budget is \$44,323,116 minus the calculated general fund revenue and state aid which leaves \$38,010,893 as the calculated amount of each town's share of what remains after revenue. Mr. MacMilan talked about enrollment trends and forecasts and added that enrollment is expected to remain relatively stable for 2 years before there is another decline. These changes impact the budget needs of the district and the assessment calculations. Mr. MacMilan presented slides showing the impact of the foundation of enrollment changes on the assessment calculations as well as information on the draft assessments which include local minimum contributions, operating assessments beyond minimum contributions, transportation, capital and debt. Using these new assessments, Harwich's portion is \$28,470,333, which is an updated number since the Selectmen's packet was released.

The school committee will be meeting and voting on March 9, 2023.

Mr. MacAskill asked what the school has in their E & D account now. Mr. MacMilan responded that the balance is about 2.2 million dollars and that number has been certified by the state. They are planning to use \$800,000 to offset the budget, noting that they are using well over the minimum amount required to offset the budget.

Mr. MacAskill asked Mr. Powers if the health insurance numbers that the town received last week were finalized. Mr. Powers responded that they have come in at a 1.3% increase.

Ms. Kavanagh stated that she was hoping that the state numbers would help, but they have not. Mr. MacMilan noted that they were hoping for the same and added that the revenue to help offset the assessments went down.

Ms. Kavanagh noted that there are 5 or 6 positions that are not funded by elementary and secondary school emergency relief funds (ESSER) and that they are looking to add \$250,000 with the 2 new curriculum positions. Mr. Carpenter responded that they are in a weird place when it comes to the long term impacts of COVID on the children, especially what they are seeing at the preschool level. They have more students that are needing preschool intervention. There is a concern that we are going to need supports that are carried out by ESSER moving forward and they also know that they have a bubble that is sitting at the 8th grade level that will ride over into the high school level. Mr. Carpenter went on to talk about future staffing levels to make sure that they have the proper social and emotional supports in place.

Ms. Kavanagh went back to her comments on the 2 curriculum positions and added that the academic, social and emotional issues are not going away and that to take other positions away and replace them with curriculum positions doesn't put more people in the classroom to help the students and teachers on the front lines. She asked why they wouldn't be funding the curriculum positions with the ESSER funds.

Ms. Kavanagh asked for information on how many special education teachers there are at each school and pointed out that there are a lot of children out there who have not been seen yet. Mr. Carpenter added that they don't know if the spike that they are seeing at the pre-k level is temporary or if it will be something that will have to be added into the long term budget. He assured the Board that the school has had many conversations regarding ESSER funds.

In response to Ms. Kavanagh question about special education teachers, Mr. MacMilan reported that Chatham has 2.5 full time budgeted for next year plus the .5 additional in the budget and Harwich has 6. By adding curriculum positions, they feel that they can support a much wider number of teachers, which the school feels is the most effective use of money. Their hope of the curriculum support positions would be to support improvements in what is happening in the classroom so that the teachers have better tools to support the students. Ms. Kavanagh asked if the teachers are wanting these curriculum positions. Mr. Carpenter responded that some do and some feel differently. They are finding that they have newer and younger staff but that the staff needs more support to get off the ground and be successful.

Mr. Howell asked if they would be looking to contract out or add staff for the pre-school staffing needs. Mr. MacMilan responded that it would be a staff addition. Mr. Howell stated that in order to be able to put together a school that operates and before you even address how many students there are, there are foundational problems that need to be addressed. The problem of disparity in enrollment is going to continue out unless something different happens in Chatham. Mr. Howell feels that the Selectmen in both towns need to have a discussion that this is not sustainable, noting that the numbers provided blow a hole in what Harwich's budget was before everyone came into the room tonight.

Mr. Ballantine stated that he appreciates the clear presentation that was made. He asked if the circuit breakers cover the costs. Mr. MacMilan responded that by definition, it does not cover its costs. Mr. Ballantine hopes that we can keep lobbying the state for coverage.

Sharon Pflieger was present and stated that she has had personal experience with family members who have struggled in school and needed special education assistance. It is vital to have the special education teachers in the schools to help the students get through school and do well throughout their life.

Mr. Powers noted that it is a sour look based on the chapter 70 numbers and asked what the schools plan is if the chapter 70 number doesn't hold to the positive side, noting that we are already in the negative with local aid. Mr. MacMilan responded that the way that the chapter 70 formula works is that you are held harmless to the prior year's funding. The minimum amount you can receive is the prior year's chapter 70 plus \$30.00 per student. Mr. Powers asked if the

existing funding continues, does the school see anyone coming back to Monomoy from Nauset because of decreases. Mr. Carpenter responded that anytime a town on the cape says that a school budget is being impacted and there is a level of uncertainty, you see school choice applications coming into a district that is seen as being stable. Conveying stability is a good thing.

Mr. Powers noted that the information provided that shows the impact of foundation of enrollment will be jarring for anyone that reads it from a Harwich perspective. He asked how we can address the voters at town meeting on how we handle our assessments and that we had come to a great conclusion and now it feels like that it washing away. Mr. Powers asked if Harwich wants to keep pre-k, would that be all on Harwich because of the new assessment or would it be a split district cost. Mr. Carpenter responded that while there is a pre-k program in Harwich, there is also an intensive special needs program happening at Chatham Elementary. Chatham would like to have a pre-k back in their town as soon as there are enough kids to make it viable.

Mr. Powers stated that when you compare the costs for Harwich for all of the general fund operating budgets, we are looking at just over 30 million dollars and now we are talking about Harwich's assessment for the schools at just under 28.5 million dollars. Mr. Powers added that he has never been one to pit town versus education, but we are reaching that equilibrium where we will have to go back to the table to talk about assessment, adding that the pressure on town department heads is not going away.

Ms. Kavanagh said that she can imagine that more needs are going to be identified as we continue to see emotional and social issues. She added that school nurses are very important resources as well.

B. Discuss potential Monomoy Regional School District Regional Agreement amendments for 2023 Annual Town Meeting

Mr. Carpenter stated that last year, they brought to both towns a set of changes to the regional agreement that were fiscally related. Things adjusted how the towns pay for the schools and it was something that came to both boards. Town meetings approved that and created the new funding mechanism. The schools also said that they would be coming back to both boards with the changes that would update obsolete language in the agreement. Provided was a one page summary of what the changes are, which Mr. Carpenter reviewed. The amendments have been presented to the school committee and the Chatham Select Board and they are requesting that it be placed on the upcoming town meeting warrant for vote. The amendments also need to be sent to DESE.

Mr. MacAskill asked if the school committee and Chatham Select Board have voted this yet. Mr. Carpenter responded that Chatham has voted to place it on their town meeting warrant, but have not voted the exact language.

Mr. Howell asked for assurance that the methodology of amending the agreement is still required to go to town meeting. Mr. Carpenter responded that it is spelled out in the regional agreement that is how it has to happen.

Mr. MacAskill said that this will be brought back before the Board for discussion on warrant placement and support.

- C. Approve a \$100 fee waiver request for a room rental at 204 Sisson Road submitted by a member of Harwich Climate Action Network

Mr. Howell stated that he knows how the Chair feels about fee waivers in general and understands. Mr. Howell said that he would be happy to pay the application fee and not have any further discussion.

No action was taken.

- D. Discussion on 2022 Annual Town Meeting Petitioned Article 57 regarding 204 Sisson Road

Mr. MacAskill stated that he was approached by a person that was going to generate an article. He does remember fairly heavy debate to the article at town meeting and that the motion did pass. This discussion tonight is whether or not the Board is ignoring the article and the will of town meeting. His opinion is that it is not being ignored. There have been 2 committee studies of the building and both have said that the best use of the building is municipal use, that it is not a cultural center. There has been a significant amount of work in that building and there was an overwhelmingly passed budget which allowed the town to bring in a new department head to work on the cultural aspects of the building. The town's maintenance division has been in the building and has put together a capital needs list for it. The Selectmen had voted 5-0-0 to support the continued use of the building as it has been used and that they wanted to see the department head work with the Town Administrator and other appropriate staff to continue to assess the building and make a plan. The new department head has not been on the job for over a year yet and they have already made great progress. March 6th will be a process update on the building and where we are going with it. If you look at article 57, a lot of what was being asked is what we are doing and the asset is being treated as it should.

Mr. Powers relied upon his background and experience and knows that the town sought guidance from counsel. The petitioned article relates to a municipal building and municipal buildings are under the purview of the Board of Selectmen by statute. Even if the article passed, it does not compel the Selectmen to do anything.

Jon Chorey was present and thanked the Board for having this on their agenda. For informational purposes, Mr. Chorey was the past Chair of the Finance Committee and was the Chair at the time this article was on town meeting floor. He feels that the people at town meeting might not agree with the non-binding interpretation. The people voted for article 57 and spelled out what the article was. Mr. Chorey is before the Board tonight because he has been asking them for some precise information on the building, which he has yet to receive. Mr. Chorey stated that he is all for 204 Sisson Road, the cultural center.

Mr. MacAskill stated that this building is not a cultural center, that it is a municipal building with a cultural aspect. The artists involved are very important to the Board and the Board has not swayed once to change the artists or the cultural events that are happening in that building. This is a municipal building and Mr. Powers had pointed out that a certain percentage of the building needs to be cultural use and a certain percentage needs to be municipal use. On March 6, there will be a deeper dive on activities and to seek suggestions on the building.

Mr. Chorey reviewed what article 57 was for. The town asked for a 5-8 year capital plan for the building and Mr. Chorey is only seeing a 3 year plan. He would like to go further and see a 10 year capital plan. The town needs to know what the numbers are. Mr. Chorey always thought that this was a cultural center and feels that the municipal use aspect has only sprung up in the last 6-7 months.

Mr. Chorey commented that he went back and reviewed previous videos and noted that there were statements over and over that any studies would involve the Selectmen, Finance Committee, Capital Outlay Committee, Town Administrator, professionals in the town and the general public. Mr. Chorey does not believe that there has been one public hearing addressing all of those people. Mr. MacAskill responded that he remembers public meetings being discussed, but not public hearings. There have been many public hearings on 204 Sisson Road. Mr. Chorey added that no formal report on the building has been done and that what was submitted is not formal in his opinion.

Mr. Chorey stated that the town has not made a dime from this building and that the Board is asking for roughly 2 million dollars in capital for the building. He wanted to know how money can be asked for if you don't know what the building will be used for. He would like to see a clear definition before another dime is spent in that building and he would like to see the true cost of the building for 5-8 years as article 57 is spelled out. Mr. Chorey would like to see Sean Libby present at the March 6 meeting.

Mr. MacAskill thanked Mr. Chorey for bringing this up. There is a 5 year capital plan and even though it has not been voted yet, it shows the capital needs for the building. He added that it would be up to the Town Administrator or the Board if Mr. Libby will be present at the March 6 meeting. While Mr. Chorey's opinions are valuable, there is a whole other side to this, and people are very happy with what is being done with the building.

Mr. Powers stated that he anticipated the March 6 meeting to be talking about the RFP process for cultural programming and a RFP for human and social service programming. Mr. MacAskill and Mr. Powers will meet on Tuesday morning and may decide to add more to the agenda.

Mr. Powers stated that the building at 204 Sisson Road was closed from 2014-2016. On September 2, 2014, it was remanded back to the Town of Harwich to the Board of Selectmen. It has always been a municipal building for municipal use and it remains a municipal building.

Ms. Kavanagh continues to support both the municipal and cultural use of the building. It has grown in leaps and bounds and she loves to see what is going on there. She added that there have been multiple public meetings on this situation.

Mr. Ballantine stated that he is sympathetic to Mr. Chorey's points and that he would feel more comfortable if we had more of a detailed plan for the building going forward. Mr. MacAskill responded that he would re-agenda this topic, but that it has been discussed at length. Mr. Ballantine followed up by saying that he is not asking for a business plan, just more detail. He wants to use the building in the best ways possible and if that means reaching out to our neighbors, he would like to see that included in discussion.

Mr. Howell has said in the past and still feels that there was an expectation to get a hold of the existing and potential stakeholders to try and come to framework for a plan.

Mr. MacAskill said that in every meeting that he can remember, board members have been asked specific questions and other than specific costs, not one board members has changed the direction of the Town Administrator and department head moving forward on this building. Mr. Howell clarified that he did question the use of the auditorium.

Mr. MacAskill again stated that this would be brought back for the March 6 meeting.

E. Vote to increase membership for Board of Health by adding two Alternate Members

Mr. MacAskill stated that a suggestion was made to add 2 alternate members to the Board of Health. Mr. Powers reviewed the memo provided in the packet from the Health Director. To accomplish what is being requested at the very least would require a general bylaw amendment at Town Meeting. Mr. Powers was unsure if there would need to be a similar or some sort of charter change and would refer that part to counsel.

Mr. Howell said that the power derives from Massachusetts General Law, which cannot be violated. Much like the Planning Board, their alternate members are constrained to a very narrow purpose and cannot be used as a plug in for a meeting in order to get a quorum. He added that Mr. Powers is correct and that this request would be a change to the bylaws and charter. The only good news is that in practice, the town has never splits hairs over the difference between a public health person and a health care person.

Mr. Ballantine stated that he has a difference in opinion on what the role of an alternate member can be. His understanding is that an alternate can fill in for a full member if they are not there and if the chair so declares and that the member promises to be there for the duration of the hearing if it comes back. Mr. Howell responded that it is a statutory requirement and not a town requirement. Mr. MacAskill asked Mr. Powers to clarify what is correct. He added that whether the person can vote or not, it would be a great training ground for new people to be on a committee and learn, especially on a regulatory board.

Board of Health Chair Sharon Pfleger was present and reviewed their request. Adding healthcare into the description would make them somewhat more compliant. The Board of Health's understanding on an alternate member is that if a member is out for various reasons, and the board is looking to have a discussion, that the alternate member can participate in the discussions, maybe not the vote. If you only have 3 members present, it would be handy to have enough members present to have a good discussion.

Mr. Powers asked Ms. Pfleger if she has the relevant state law that generally governs the Board of Health and asked if it is Chapter 111. Ms. Pfleger responded that Chapter 111 is correct. Mr. Powers added that Chapter 111 would stand if there was no charter or bylaw, but that the existing bylaw and charter supersede that presently. Any changes would need to first start at the local level.

F. Discussion on MASS Department of Transportation (DOT) Route 28 West
Harwich sidewalk project

Duncan Berry was present and thanked the Board for recent hiring of the Town Planner, noting that it has been a long time without long term service and that Mr. Halkiotis has been excellent. Mr. Berry wanted to address things that he feels have had some slippage in the 6 year history of the TIP project for West Harwich. Initially there was a site visit, then 2 brainstorming sessions, then the special district took place, followed by a conceptual design, then COVID hit. There have also been staffing changes all over the place. At the Planning Board level, they are concerned that discussions from the January 24 meeting may be being violated. There is un-clarity as to what was presented to them as a 75% plan was actually a mark-up of a 50% plan that was never presented to the public. They have only seen a concept plan and a 25% plan. Mr. Berry is asking if the Selectmen could track with the Planning Board on this project. They would appreciate the Selectmen's support to create a letter asking to put the brakes on in order to evaluate what we have, what the inventory is and help track the comments from the January 24 meeting.

Link Hooper was present and said that what was presented at the meeting in January was a 25% design hearing. There was a discussion that may have been misinterpreted about accelerating the next 75% submission with 100%. Although this project is slated for advertising in the fall of 2024, that is not a lot of time under MassDOT standards. While he appreciates Mr. Berry's comments, there was a lot of public outreach done and the public was involved as much as possible. It was made clear back then that these projects can have a 5-7 year waiting timeline and for funding to be materialized. Mr. Hooper was surprised at how amenable DOT has been in some of the asks that came from the brain storm sessions. They have already agreed to continue the brick sidewalks up to the Baptist Church and have contracted the footprint of the projects, which will have less impacts to private property. They are in the process of developing a meeting with Mr. Berry and the Planning Board and whomever else has concerns. Mr. Hooper stated that he can see how someone from the outside could feel as if they have not been listened to. The town did submit a lot of requests but DOT has federal standards that they have to build to. When you are taking someone else's money, there can be strings attached. Mr. Hooper added that design exceptions are also becoming harder and harder to come by.

Mr. Howell stated that there is also a historic planning versus engineering divide and that is where we are with this. He is more concerned about the planning and zoning rather than the engineering. Mr. Howell would like to track all of the things that were discussed at the January 24 meeting. Mr. Howell asked if the Board would have any objection to him attending the upcoming meeting on this topic. No objection was heard.

- G. Approve a 2023 Annual Class II Auto License renewal for Good Son's Motor Cars – 210 Queen Anne Road, Unit 12

Mr. Howell moved to approve a 2023 Annual Class II Auto License renewal for Goodson's Motor Cars-210 Queen Anne Road, Unit 12, 2nd by Mr. Ballantine and approved 4-0-0.

- H. Approve the following Special Permits for the Harwich Chamber of Commerce – 1 Schoolhouse Road
 - 1. One day entertainment – June 10, 2023 – 4:00 p.m. to 8:00 p.m. outside at Community Center, 100 Oak Street

Mr. Howell moved to approve the One day entertainment – June 10, 2023 – 4:00 p.m. to 8:00 p.m. outside at Community Center, 100 Oak Street, for the Harwich Chamber of Commerce, 2nd by Mr. Ballantine and approved 4-0-0.

- 2. One day Wines and Malt – June 10, 2023 – 2:00 p.m. to 8:00 p.m. outside at Community Center, 100 Oak Street

Mr. Howell moved to approve the One day Wines and Malt – June 10, 2023 – 2:00 p.m. to 8:00 p.m. outside at Community Center, 100 Oak Street, for the Harwich Chamber of Commerce, 2nd by Ms. Kavanagh and approved 4-0-0.

- 3. Event permit – June 10, 2023 at Community Center, 100 Oak Street

Mr. Howell moved to approve the event permit- June 10, 2023 at Community Center, 100 Oak Street, for the Harwich Chamber of Commerce, 2nd by Ms. Kavanagh and approved 4-0-0.

- I. Approve the following 2023 license renewals for BLM Restaurant Group d/b/a Lanyard Bar and Grill – 429 Route 28
 - 1. Common Victuallers
 - 2. Weekday Entertainment
 - 1:00 p.m. to 1:00 a.m. inside
 - 1:00 p.m. to 10:00 p.m. outside
 - Jukebox, radio, television, dancing by patrons and live performers, live/recorded music, amplification
 - 3. Sunday Entertainment
 - 1:00 p.m. to 1:00 a.m. inside
 - 1:00 p.m. to 10:00 p.m. outside

Jukebox, radio, television, dancing by patrons and live performers,
live/recorded music, amplification

Mr. Howell moved to approve the 2023 license renewals for BLM Restaurant Group d/b/a Lanyard Bar and Grill- 429 Route 28, as listed above, 2nd by Ms. Kavanagh and approved 4-0-0.

OLD BUSINESS

A. Discussion with Director of Planning and Community Development on potential zoning amendment articles for 2023 Annual Town Meeting

Paul Halkiotis was present and stated that he has revised the bylaw amendment and submitted a memo with the highlighted changes. One of the changes that he is hesitating on would trigger additional action required. He is before the Board tonight to see if there is any feedback on the revised draft article. The Planning Board is having a public hearing tomorrow night and understands that some of the Selectmen will be attending.

Mr. Halkiotis had been asked to draft 3 bylaw amendments for annual town meeting. There was really not much discussion at all on the proposed amendments to the flood plan or the additional solar regulations. There was feedback provided on the draft accessory dwelling unit bylaw amendment. In the revised draft version, he removed the minimum lot size and included new requirements for property owners to connect the principal dwelling unit and ADU if the sewer is in front of their property which would minimize any adverse effects to groundwater. Mr. Halkiotis added a requirement that leases for ADU's be for no less than a 6 month time period. The owner would be required to sign an affidavit to this effect. Also added were revisions to the enforcement section if an owner is out of compliance. There were additional comments that were received from the Selectmen and Planning Board from the former Town Planner. Mr. Halkiotis found the comments to be on target. Given the timeframe to complete this assignment, Mr. Halkiotis wrote the public hearing notices before the amendments because there was a month out where he needed to schedule the hearing. He did run into other changes to sections of the bylaw that were connected in some way, however if those changes were to be incorporated, it would trigger the need to do another public hearing notice. A similar situation happened with the recommendation or request to change the minimum lot size requirements in the six ponds district. That section of the bylaw was not included in the original public hearing notice. It is possible for Mr. Halkiotis to write another public hearing notice and schedule a meeting, which would be a regular meeting of the Planning Board on March 28. He stated that it would be helpful for him to know when the hard deadline is to submit items for the warrant. Mr. Halkiotis did meet with the Zoning Board Chair last week who was able to provide background on some of their application experiences. As we know, as time goes on, zoning changes and when zoning changes, it can create non-conformities prior to enactment of these regulations. The ZBA Chair said that with all of the non-conforming properties, the majority of the applications that they are seeing is because something like a garage cannot meet the setback requirements. The ZBA Chair urged Mr. Halkiotis to look at the bylaw to see if flexibility can be added to cover non-conforming lot situations and offered to draft some language changes.

Mr. MacAskill recognized that Mr. Halkiotis was given very little time to accomplish this work.

Ms. Kavanagh thanked Mr. Halkiotis for his work done in a short period of time. She knows that the DCPC was going to be an issue as the Board had talked about the fact that there are a lot of other zoning issues that need to be addressed. At least if we could take the general ADU bylaw, change that, to start the process moving for others to move, then we can go through our other bylaw changes over the course of the year. Ms. Kavanagh thinks that eliminating the square footage will allow most people to come forward with an application see if they can meet all of the other requirements. If we receive inquiries from six ponds, we can explain that we know there is an issue and that it is being worked on. In terms of the sewer, the intent of the ADU was never to allow anyone to have additional bedrooms, even if the property was connected to the sewer. Any ADU being added to a dwelling with a sewer would be mandated to connect anyways. Ms. Kavanagh stated that she is in favor of the 6 month minimum requirement for rentals.

Mr. Ballantine thanked Mr. Halkiotis for his work done and agreed with Ms. Kavanagh's comments.

Mr. Howell asked what would stop a homeowner from moving into the ADU and renting out their house as an air b & b. Mr. Halkiotis responded that he could not speak to the air b & b part of the question, but that an owner was and is allowed to move into the ADU under the bylaw. It says that the owner needs to reside in one or the other. Mr. Howell noted that this is a concern form him. Ms. Kavanagh added that when the ADU bylaw was originally created it came with restrictions. If you were to create an ADU and decide to live in it as the owner and rent your house, it would still have a minimum housing timeline. You must live in one and the other would need to show a year round lease to the building commissioner to obtain a sign off. That is something that may want to be considered as it was the original intention.

B. Discussion on creating a Human Resources position

Mr. Howell asked to postpone this topic until next week when Ms. Anderson would be present.

C. Discuss the format and schedule for the March 4, 2023 Joint Budget Meeting

Mr. Powers provided a draft schedule for the March 4 meeting and emphasized that it is a joint meeting with the Board of Selectmen and Finance Committee. The Water/Wastewater Commission has also posted an agenda just in case they have a quorum present. What is shown on the schedule are the budgets that have the greatest changes because of enhancement of services.

Mr. Ballantine suggested that adding an extra half an hour at the end for additional discussion on sources and uses might not be a bad idea.

D. Vote to approve the projects for Cape Cod Water Resources Restoration Project (CCWRRP)

Ms. Kavanagh moved to approve the projects for Cape Cod Water Resources Restoration Project (CCWRRP) as outlined, 2nd by Mr. Howell and approved 4-0-0.

CONTRACTS

- A. Vote to approve a contract amendment with Vanasse Hangen Brustlin, Inc. (VHB) in the amount of \$278,500.00 for design work for the Saquatucket Harbor - Route 28 sidewalk project

Mr. Howell moved to approve a contract amendment with Vanasse Hangen Brustlin, Inc. (VHB) in the amount of \$278,500.00 for design work for the Saquatucket Harbor - Route 28 sidewalk project, 2nd by Ms. Kavanagh and approved 4-0-0.

TOWN ADMINISTRATOR'S REPORT

Mr. Powers announced a contract approval with Web Services of America which is related to software and mapping project that has been ongoing with the Cemetery Department. This would cover work in Evergreen Cemetery similar to work done in Island Pond. The contract amount is \$32,000.

Mr. Powers announced a contract that was issues to Cavossa Disposal for several town buildings. This is a standalone contract for an additional 12 months in the amount of \$13,560.77.

SELECTMEN'S REPORT

Mr. Howell reminded everyone that the Planning Board is holding a public hearing tomorrow night to discuss various zoning amendments. The meeting will start at 6:30 p.m. in the Griffin Room.

CORRESPONDENCE

No correspondence was discussed.

ADJOURNMENT

Mr. Howell moved to adjourn the meeting of the Board of Selectmen, 2nd by Ms. Kavanagh and approved 4-0-0.

Respectfully submitted,
Jennifer Clarke
Recording Secretary