

APPROVED

RELEASED

MINUTES  
SELECTMEN'S MEETING  
TOWN HALL  
GRIFFIN ROOM  
TUESDAY, FEBRUARY 28, 2022  
5:30 PM EXECUTIVE SESSION  
6:30 PM REGULAR MEETING  
REMOTE PARTICIPATION OPTIONAL

RECEIVED  
TOWN CLERK  
HARWICH, MA

2022 JUL 12 P 12:00

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

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

**CALL TO ORDER:**

Chairman MacAskill opened the Board of Selectmen's Meeting for February 28, 2022 at 5:30 PM. Ms. Anderson moved to enter into Executive Session, 2nd by Mr. Howell.

Mr. MacAskill commented that they will be returning to open session no later than 6:30 PM.

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

**EXECUTIVE SESSION:**

- A. 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 of the town's bargaining position
- B. Pursuant to MGL c 30A, s21(6) to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position the public body

Mr. MacAskill reopened the Board of Selectmen's Meeting reporting that in Executive Session they discussed collective bargaining and negotiation position of a public body related to purchase, exchange or lease of real property, no decisions were made. He invited attendees to join in the Pledge of Allegiance.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

- A. The Commonwealth of Massachusetts Department of Public Utilities - Notice of Filing, Public Hearings and Procedural Conference - NSTAR Electric Company d/b/a Eversource Energy

Carol Coppola Finance Director announced to the Board and the public that the information that was requested with regard to tax liens is now on the Treasurer Collector's website and will be updated each month.

February 28, 2022

Pete Klaus from Jake Rooney's stood to comment on an agenda item but will wait until it is addressed. He did comment that last year, it was great dealing with the town.

Town Administrator Powers reported that NSTAR Electric Company sent a letter to all municipalities. He noted what they are requesting and that public hearings will be held regarding the rate increase, when and how they will be held. All information is in the packet.

### **PRESENTATION**

#### **A. Presentation by the Treasure Chest Committee.**

Ellie Gerson Co-Chair of the Treasure Chest Committee addressed the Board's concerns. They are fully appointed, they meet monthly and their guidelines have been updated and are in the packet. She explained how the changes help the organization.

Mr. Ballantine commented on how hard the committee has been working and what they have accomplished. They hope to reopen by May 1st and he is impressed with what they have done.

Ms. Kavanagh asked if there is a sticker cost to residents.

Mr. Ballantine replied that a minimal fee has been requested by the committee and the Board will have a discussion about it and make a decision.

Ms. Anderson asked how they would manage volunteers taking donated items.

Ms. Gerson replied that it is difficult but they try their best.

Eric Fahle Clerk of the Treasure Chest Committee confirmed that patrons will always have choice of items and explained their system for accepting items and when/if volunteers take the items.

Mr. Howell commented that it wasn't working well in the past and noted two operational problems and how they can be corrected, noting that one person cannot run the committee and volunteers should follow the committee's rules.

Mr. Fahle replied that, in the guidelines states that every volunteer has to read it and sign it and if they don't follow them and the rules of etiquette, there is a process whereby they can be dismissed. He also commented on the new members and how well they work together as a group.

Mr. Howell noted that the reason he mentioned it is for the audience that is not in the room and so the volunteers will get it also. He feels this will work out but only if everyone understands what their roles are.

Mr. Fahle noted that since they have gone Harwich only, there has been a tremendous improvement. He felt the patrons will get the respect they deserve, they won't have the issue of the past and they understand that they are the face of Harwich.

Town Administrator Powers noted that there was always a prohibition on volunteers taking items during the shift. He asked if the new guidelines change that. The guidelines in 2018 stated that volunteers could not take anything until the end of their shift.

Mr. Fahle replied that he did not think it was ever truly a prohibition. The structure that was provided this evening was the structure that was in place when they were closed down in 2020.

Town Administrator Powers commented that the reason he asked is because there are folks that rely on this and it fills a need for them. Volunteers donate their time so others can benefit. He feels the benefit should be for the patrons not the volunteers.

Mr. Howell commented that a few committee members went through an interview. He repeated what was said at that interview regarding being an advisory to the Board of Selectmen. He agrees with the Town Administrator and volunteers should wait for the end of the shift to take items.

Mr. Ballantine commented that the purpose tonight was to get input for the committee to take back and consider.

Mr. MacAskill stated that the Board will have to vote the new operational guidelines. He asked about the dates.

Mr. Fahle replied that they anticipate it being year round.

Mr. MacAskill will not support year round until a location is found that doesn't conflict with the Treasure Chest and/or the Building Maintenance Department.

**PUBLIC HEARING:**

A. Discussion and possible vote to approve fees for Special Permits issued by the Board of Selectmen

Ms. Anderson read the public notice.

Mr. Howell moved to open the Public Hearing as read by Ms. Anderson, 2nd by Ms. Kavanagh. Vote 5:0 in favor by roll call. Motion carried unanimously.

Mr. MacAskill noted that this came up because the Executive Assistant for Licensing is cleaning applications. Through the process with liquor and entertainment licenses, the application for a special permit, the only thing the town had voted for charges was a \$25.00 on a one day entertainment license. The form has been changed and will be in next week's packet and he read the fees. He asked if anyone in the public had comments or questions.

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



Mr. Howell commented on a wonderful job, that it's a clear form and fair prices and said thank you for the efforts.

Ms. Anderson agreed, well done.

Ms. Kavanagh agreed it's great and asked the difference between a one day liquor license all alcohol and a one day liquor license wine and malt.

Town Administrator Powers replied that it ties into the ABCC applications and where they differentiate the town wants to match. One day's are only available for not-for -profits for all alcohol.

Mr. Ballantine clarified that they are not waiving fees for not-for -profits.

Mr. MacAskill commented that he normally votes no to waive fees because of the cost that goes along with it.

Ms. Anderson feels the fees are reasonable and most non-profits can afford them.

Ms. Anderson moved to vote to approve fees for Special Permits issued by the Board of Selectmen and the new forms, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

## **WEEKLY DISCUSSION**

### **A. Fiscal Year 2023 budget**

Mr. MacAskill noted that they will have weekly discussions about the budget. They had been presented the budget last week, he asked Carol Coppola Finance Director to simplify it and show the budget drivers.

Carol Coppola Finance Director presented the budget in a different, easier to understand form. All information is included in the packet. She did give an overview and pointed out specific items, increases, decreases, department goals and longevity/contracts/retirements. This budget does not include any increases in COLA for any person.

Town Administrator Powers commented on his appreciation for the way MS. Coppola reduced the budget packet size and how it was presented.

Mr. Howell also complimented Ms. Coppola and clarified a statement so the public may hear, though not included in these figures other considerations include.....The budget is already beyond 2 1/2 percent.

Ms. Coppola replied that they do estimate a residential tax rate for single family homes and that will increase with regard to this budget.

Ms. Anderson commented that it is a lot of money and doesn't see anything she wants to give up. She is hoping to see Monomoy's numbers come down.

Ms. Kavanagh commented on the great overview and she has not figured out what she would be comfortable cutting.

Mr. Ballantine asked if the Monomoy number includes the potential for a new agreement.

Ms. Coppola replied that this is the standard agreement and there is a chance that could be reduced.

Mr. MacAskill commented that it is his understanding that no matter what happens at Town Meeting because of timing, any change in the agreement won't happen this year.

Town Administrator Powers replied that they are dealing with council and the draft article now that Monomoy has sent. The current budget assumes no changes in the agreement and he feels that is the appropriate action.

Mr. MacAskill commented that it would be a mistake going into this budget process hoping they'd get the new formula.

Mr. Ballantine agrees that they should budget conservatively. He noted the increase in health insurance. He also has questions relating to ARPA.

Ms. Coppola explained why she feels the rates will only slightly increase. She also suggested that the Board could get more aggressive on revenues.

Mr. MacAskill asked if the Board objected to moving the ARPA discussion up.

Under NEW BUSINESS, B. Discuss and possible vote on the use of American Rescue Plan Act (ARPA) Funds

Mr. Ballantine asked if the Office 365 is related to the software.

Ms. Coppola replied that the Town of Harwich desperately needs to move to a technology platform where they can communicate with each other seamlessly. Office 365 is a communication system and she explained the benefits.

Mr. Ballantine asked for an explanation of the discontinuation project.

Ms. Coppola replied that these are water infrastructure projects.

Town Administrator Powers clarified that OpenGov is for permitting and Office 365 is for the other software applications.

Ms. Coppola noted that the water enterprise may have infrastructure funds coming. The county has 41.3 million and decisions as to how it will be distributed have not yet been made.

Ms. Anderson asked if it's appropriate to take a year without putting into Stabilization or OPEB.

Ms. Coppola replied with what the Operating Budget has to support OPEB but there is nothing supporting Stabilization which presently has approximately 5.5 million.

Mr. Howell commented on the benefits to Office 365. Regarding using revenue for fee based items, he states that they have to prove that it cost them that much more if they charge more. It is not a mechanism to create a profit.

Mr. MacAskill asked if Monomoy has comeback with new data.

Town Administrator Powers replied that the next regional finance meeting is in 2 weeks and more information should be available.

Mr. MacAskill asked if Ms. Coppola could come back to the Board with a less conservative model. He doesn't see going to Town Meeting with a 6.65% increase. He asked for an explanation, for the public, on the wastewater enterprise and sewer enterprise and the increases over the years.

Ms. Coppola explained how and why she moved funds, same money but a different mechanism.

Town Administrator Powers endorsed the changes.

Mr. MacAskill asked when they would see a presentation on the Capital Plan.

Town Administrator Powers replied that it is the next thing that has to happen. The number for FY23 remains the same. The Wastewater Superintendent requested numbers be moved around after the committee had voted. The presentation will be after a joint meeting and discussion about the rest of the plan.

Mr. MacAskill commented on how the departments have kept their numbers down and the school consistently goes up. He feels they are operating in a vacuum and it has to stop. He asked the Board to have questions and ideas for next week's discussion.

### **CONSENT AGENDA**

- A. Vote to approve a Caleb Chase in the amount of \$1000.00
- B. Vote to approve a Caleb Chase in the amount of \$909.64
- C. Vote to approve the Board of Selectmen meeting minutes
  - 1. November 2, 2020
  - 2. November 9, 2020
  - 3. June 2, 2021
  - 4. June 7, 2021
  - 5. November 15, 2021

Ms. Anderson moved to approve the consent agenda as presented with changes made to the minutes regarding executive session and a correction to November 9, 2020, 2nd by Mr. Howell.

Mr. Howell commented that the minutes do not say how they got to Executive Session.

Ms. Anderson noted a correction on the minutes for November 9, 2020.

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

### **NEW BUSINESS**

#### A. Discussion and possible vote to appoint James Mullen Jr. as temporary Town Clerk

Town Administrator Powers noted that last week, the Board didn't have Mr. Mullen's name at the time of publication of the agenda.

Ms. Anderson moved to vote to appoint James Mullin, Jr. as Temporary Town Clerk, 2nd by Ms. Kavanagh. Vote 5:0 in favor by roll call. Motion carried unanimously.

#### C. Discussion on Revolving Funds

Mr. Howell commented on funding appropriated programs through Revolving Funds even after it is known what the likely funding is needed. It was not intended to go around the scrutiny of the budget cycle. He explained with specifics. The tax payers are not in this process but they are involved in the appropriation process.

Town Administrator Powers noted the 2 Articles regarding Revolving Funds and if the Board wishes to change that, there is time to impact on an article at Town Meeting.

Ms. Anderson asked for clarification on what is in a regular budget and what comes from revolving funds.

Ms. Coppola replied that it depends on where the program resides and gave examples and specifics.

Ms. Kavanagh clarified that what Mr. Howell is saying is that in addition to the eyes that are on this, there should be more eyes on. She clarified that it's not a slush fund and through procurement there are other eyes on and questioned the purpose of splitting it further.

Mr. Howell commented that the public should be part of the process, it should all be very transparent. He would like to see money spent in previous years by each department.

Ms. Anderson noted that it's voted at Town Meeting which means the public approves the funds.

Mr. Ballantine commented, for the record, he has always been against Revolving Funds because thereupon they've come to exist is because they didn't trust "us" and the feeling was once it got



into the General Fund there was no control and they couldn't fund the programs. Departments do have discussions about what their needs are and they work on a budget for the upcoming year. He suggested that the Board should be in agreement with the direction the programs are going and that they should ask the department heads to give the Board a summary at the beginning of each fiscal year of budget items they expect to expend and what programs they are sponsoring.

Town Administrator Powers noted that when Ms. Coppola received the report back from Powers and Sullivan late summer or fall, they noted that there are no reporting requirements within the bylaws. He read from the suggestions regarding departmental reporting and the procedures that end with Town Meeting. That will occur at this coming Town Meeting.

Mr. MacAskill commented that it is a high number for a small community and at the least, they should look at it.

Town Administrator Powers agreed that it is a high number, he assumed that it was just how the town operated. The Board can discuss this as it relates to that article and make decisions going forward. He noted that if a revolving fund is repealed, the overage goes to a surplus revenue at the end of the year. He feels this should be done soon and very affirmatively.

D. Discussion and possible vote to approve a 2022 Annual Common Victuallers license renewal Dent Donuts d/b/a Dunkin Donuts - 175 Route 137

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

E. Discussion and possible vote to approve 2022 Annual Class II Auto license renewal - Good Sons Motor Cars - 210 Queen Anne Road

Ms. Anderson moved to vote to approve the 2022 Annual Class II Auto license renewal as presented, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

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

1. Maryann Campagna - Harwich Accessibility Rights Committee - Full member - Term expires June 20, 2022
2. Justin White - Harwich Council on Aging - Full member - Term expires on June 30, 2024

Ms. Anderson moved to vote to approve the Committee Appointments as presented for #1 and #2 only, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously

3. Sandy McLardy - Planning Board - Full term - Term expires June 30, 2022

Mr. MacAskill explained why he separated this, he does not feel they can make this appointment and gave his reasons in detail including the way Mr. McClardy treated the Department head. He doesn't support it and doesn't think the Board should.



Mr. Howell feels it's important to get a diversity of opinion and the term expires soon. It's only 3 months, the exposure is minimal.

Mr. MacAskill commented that he has voted for people he doesn't agree with and that is not what this is about. This is about the department head whose ethics were attacked at a public meeting. He feels putting him in that position would be irresponsible of the Board. He agrees with diversity but Mr. McLardy has proven that he cannot be neutral.

Ms. Anderson agrees with diversity and different opinions but if Mr. McLardy attacked Jon Idman, she cannot vote in favor of that appointment.

Mr. MacAskill asked the Board to watch the meeting that he is referencing, form their own opinions. They can vote on this at another time. He will put on next week's agenda a discussion to shrink the membership of the Planning Board from 7 to 5.

Mr. Ballantine noted their concerns and felt that if they give it a couple of months they could get a read on how he performs.

The Board agreed to bring it back at a time the Interview Committee recommends.

#### G. Update from the Town Administrator on the opening Engineering and Surveying positions

Town Administrator Powers updated that the Town Engineer position is vacant. The surveyor portion is not vacant, it has not been funded since 2019. He explained the difficulties without a surveyor. The Town is still receiving engineering services and surveying services by contractor with vendors. Nothing proposed in the budget now will change that.

Mr. MacAskill suggested they get the numbers for what they are spending on surveying services and what they anticipate to spend and engineering and bring the back for a discussion.

Ms. Anderson commented that surveyors are difficult to find, having one would be helpful and fitting it into the budget will be a challenge.

Ms. Kavanagh commented the same and that she thinks it's a priority,

Mr. Ballantine commented that wastewater issues started to get turned around when they hde Griffin Ryder and he was a vital part of that. He feels it's an important position.

#### H. Discussion on tracking Short Term Rentals

Town Administrator Powers referred to the memorandum in the packet.

Mr. Howell commented on the Short Term Rentals on the DOR and their tracking of short term rentals.

Ms. Anderson commented on the company that could do the tracking and felt it was a reasonable price. She does not consider it a propriety for this year.

Ms. Kavanagh added that even with the company you need somebody in the town working on it. It is a problem budget wise.

Mr. Ballantine agrees with the previous remarks.

Mark Kelleher of Harwich referred to the memo and had one comment on adding 1-2 people. He explained what the service offers and the benefits. He referenced how other towns utilize the services and they did not hire additional people.

Town Administrator Powers commented on how the Town of Barnstable differs from Harwich and what the Town of Harwich would have to do regarding bylaws prior to hiring a company. It can be done but will take time.

I. Update on the Route 28 sidewalk project at Saquatucket

Town Administrator Powers updated that the sidewalk project was bumped up to FY25 which is the soonest it can be done.

J. Update on OpenGov e-permitting software

Town Administrator Powers referred to the memorandum in the packet. They are in the transition process. He explained how OpenGov works.

Ms. Kavanagh commented that it's a great program.

Mr. Ballantine commented that the present software is a disaster.

K. Update on the 40B permitting.

Mr. MacAskill noted that this was meant to get at technical assistance for our Board of Appeals with the potential upcoming 40B project on Sisson Road.

Town Administrator Powers replied that he had reached out to KP Law and they are ready to help. Another resource is Mass Housing Partnership and he explained how they assist. He gave an overview of the process and the town's part in the process.

Mr. Howell commented that the last several appointments to ZBA, it was stressed that they had obligations under state laws and he feels they should provide help.

**OLD BUSINESS**

A. Discussion - Review proposals for Saquatucket Harbor Snack Shack

Town Administrator Powers commented on the proposals and the criteria. He recommended BCAAF LLC d/b/a POCO NYC and gave his reasons.

Mr. Ballantine commented that he was disappointed that it wasn't Pete but they have to take the best financially for the town.

Ms. Kavanagh commented the same.

Ms. Anderson agreed and was disappointed that it wasn't a local.

Mr. Howell doesn't feel either proposal is close to the value of the seasonal thing and he is concerned about making a 3 year award and gave his reasons.

Peter Klaus from, Jake Rooney's agreed with Mr. Howell's concerns. He stated that he is confused and disappointed and explained why.

Mr. MacAskill commented that he doesn't think it's personal, it was based on the RFP.

Town Administrator Powers referred to the memorandum in the packet to explain the decision.

Mr. MacAskill commented that he didn't like either bid, explained his reasons and suggested it might go back out to bid. He noted that the Town Administrator has the ability to negotiate and asked if that had taken place.

Town Administrator Powers noted that he is the Chief Procurement Officer and the Board will be awarding the license agreement.

Mr. MacAskill noted that this is a service to the community, they will not recapture any of the money. He asked if utilities are included.

Town Administrator Powers will get that information.

Mr. Howell asked they tried to go out for an alternate aggregate bid prospect.

Town Administrator Powers replied that they advertised both and gave notice that they were both available. They are at different locations and had different operators so they were listed separately.

Ms. Kavanagh agreed that a minimum bid would be great in the future but time is of the essence on this. She suggested looking at the revenues to set the minimum.

Mr. Howell asked if they could go with a one year instead of the three.

Town Administrator Powers replied that it was actively advertised as a three year.

Mr. MacAskill will put this on the agenda next week.

February 28, 2022



Mr. Klaus noted that if there is a consideration for putting a package together, he would be very interested.

Mr. Ballantine asked how they keep track of the revenue coming in through the restaurants.

Town Administrator Powers replied that they have an obligation and reporting requirements. He commented that Peter, Katie and Ward have been a delight to work with.

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

He's back from vacation.

### **SELECTMEN'S REPORT**

Mr. MacAskill noted that on the 14th they will have the Powers and Sullivan report presented to the Board and he noted other discussions coming up.

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

Respectfully submitted,

Judith R. Moldstad  
Recording Secretary