

APPROVED

**MINUTES
SELECTMEN'S MEETING
REMOTE PARTICIPATION ONLY
MONDAY, MARCH 1, 2021
6:30 PM (Regular Meeting)**

RELEASED

SELECTMEN PARTICIPATING: Larry Ballantine, Michael MacAskill, Donald Howell, Ford and Edward McManus

ALSO PARTICIPATING: Town Administrator Joseph F. Powers

CALL TO ORDER

Chairman Ballantine called the meeting to order at 6:30 PM.

WEEKLY BRIEFING

A. COVID -19 Update: Interim Health Director Meggan Eldredge shared good news, we have a positivity rate of less than 4% and presently only 6 active cases. Of the 953 tests administered in the last week, only 33 were positive. Changes to the reopening plan were announced last week. Today, March 1st, all cities and towns in Massachusetts are going back to Step 2 of Phase 3, up to 50% capacity for most venues, we have recreational activities, restaurants have no capacity percentages but they still have social distancing regulations. The announcement is that we may potentially go to Phase 4 on March 22nd. Phase 4 includes larger gathering limits, openings of indoor and outdoor stadiums, private events are still reduced to 25 people outside and 10 people inside. Regarding vaccines, we are still in Phase 2 with the same groups eligible as last week. There has been a lot of talk about vaccine shortages, especially in Barnstable County. The Health Department's and Health Agents across the Cape are well aware of the shortage. They have been working out ways to get our most vulnerable population vaccinated. Today they had a followup call with Outer Cape Health. There is a solid plan in place to get the homebound and senior housing residents vaccinated in the next 2 weeks. Barnstable County has requested more vaccine so there will be more information on whether they will be doing a regional clinic each day off the week. They are working on getting people their second doses. Those people who were vaccinated in Barnstable County will get a separate email from the State with a link to a second dose clinic which should rectify that situation.

Mr. Ford asked how a caregiver who takes care of a family member can get vaccinated.

Ms. Eldredge stated that there are several different types of vaccine clinics and each one of those has an online registration. A caregiver registers just a person who is eligible. There is a section to check a box that says "I am a caregiver".

An unidentified caller asked, as a family member who is concerned about their mother who does not have internet, She wants to know how to get an elderly relative a COVID-19 vaccine.

Ms. Eldredge answered that if you have someone you know that doesn't have internet access, you can have someone else sign them up. If you have an elderly parent that doesn't use the internet and you yourself do, you can make the appointment for them. You need basic information, DOB, address etc. and you can use your own email for confirmation. Barnstable County has a hotline that does the same thing for people without internet or someone to do it for them and they will contact Outer Cape Health.

Town Administrator Powers added that all this information is on the Town's website.

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B. Update on ongoing efforts from the Town in support of the business community.

Chamber of Commerce Executive Director Cynthia Williams states that restaurants are reopening, the newest will be this Wednesday. Cape Sea Grill opens with their famous local's night. We Can is having their 20th anniversary live auction. It went live today and runs until March 10th. The Chamber put out a very robust newsletter with various webinars and virtual meetings which were sent to all the businesses in town as well as organizations that are having sessions on ways to survive and recover from the impacts of the pandemic. The Cape Cod Commission is doing many sector driven specific sessions. Anyone interested in receiving the letter can sign up on their website which is HarwichCC.com.

PUBLIC COMMENTS/ANNOUNCEMENTS

Mr. McManus reported that notice was received from the Mass Department of Transportation that our application in the Shared Streets and Spaces Program was approved, the hybrid Street and Reimagined Streets Project for Harwich Center. We were awarded \$142,021.00 to put that plan into action once we determine what the final plan is. We have to get it completed by May 31st. It was a fair amount of work to get the application in and it will be a fair amount of work to get the project into completion. He thanks Griffin Ryder the Town Engineer, he was very instrumental in this and Bob Young of the Seal Cafe who spear headed the push to put in the application.

Town Engineer Griffin Ryder added that he is very excited to get the money but they have to move quickly. He thanked the Board of Selectmen and the Town Administrator for their support.

Bob Nickerson gives his appreciation to the Town Administrator, members of the Board of Selectmen and the town employees for all their efforts in this last year. The Administrative body and the BOS have met much more frequently to address the issues at hand. He asks for clarification for something that was said at the February 16th meeting. As he understands it, the BOS agreed to hold hearings upon receiving requests for seasonal alcoholic renewal licenses. Once these applications are filed, the Town has 14 days in which to have a public hearing. The expectation is that the hearing might be scheduled for late March. What he is asking for tonight is clarification from the BOS and why the hearing will bring in the noise issue at this time as the original hearings for these establishments were focused on violations of the Governor's orders. Per the article in the Cape Cod Times, it states that the Board said it will devote an entire meeting to these hearings and will also take into account the noise complaints made against the establishment. His question is, are you asking for the public input pertaining to the noise violations that were concurrent with these alleged violations at these locations or are you looking for comments at any time about these locations? Also, can he assume the broader issue of the noise violation will be in a separate hearing and if not, why not?

Town Administrator Powers answered, in regards to the noise containment issue separately, that would be a discussion for the Board. An Agenda item on that is certainly something that can be done for a number of reasons and he would like to see that done before the summer season kicks off. Regarding the statements that were made on February 16th, public articles and where we are now, in a few minutes the Board is going to engage in a public hearing on an application for a license. At that time you'll hear them make reference to the Ballarin Factor. Under MGL c138 when a license is issued the Board must rely upon the Ballarin Factors to make determinations as to whether or not the application being sought is one that is beneficial to the town and using those factors to determine that beneficial effect. The Board, if they choose and the Board has indicated they are so choosing, the Board may rely upon Ballarin Factors when a license comes up for renewal. It is not a required act of the licensing authority where it is an application for issuance the first time. As Mr. Nickerson has stated, there are several Ballarin Factors and many of them get to where the general public will get to speak, should an application for renewal come in

and should the hearing go forward. Some of the discussions include a factor of noise that is related to the establishment, traffic, size, as well as the views of the inhabitants of the town. The Board has chosen to use their authority as a licensing authority that when those two establishments apply for renewal, rely upon the hearing process to determine whether they should renew the license or take any other action to it. The Board is relying upon their expansive authority as a licensing authority and relying upon public input as it relates to the Ballarin Factors. He hopes that explains what is to be expected if the applications come in for renewal. Because those application were the subject of disciplinary hearings, the Board has opted to combine the disciplinary discussion with the renewal discussion. To the question of whether there would be a separate Board discussion on noise containment, he defers to the Board.

Mr. Nickerson adds that what he is trying to get at too is, he assumes the BOS is looking for people if they're interested, to be on in that particular hearing to provide input on any activities they have associated with these particular venues. Is that correct?

Town Administrator Powers answered that is correct and the Board and the Chairman will determine how much input they would be seeking on that but would get to the first Ballarin Factor that's listed which is public need. That means a consideration of public want and appropriateness of a license at that location.

Mr. Nickerson adds this about the hearing and where we've been in our noise containment recommendations. We know that May 20, 2019 is when the letter came from 70 plus neighbors to the Board of Selectmen. Right now on November 22nd the BOS voted to temporarily halt the Ad Hoc Committee meetings. Selectman MacAskill said they would get into the noise containment on a very near agenda. Chairman Ballantine also commented that "we don't take action as quickly as we need to sometimes". Later in the discussion Selectman MacAskill said they would have a meeting on this issue in the next 30 days. Mr. Ballantine closed the issue stating that we will bring it back shortly. That statement was made four months ago tomorrow. He questions, when we will have this discussion.

Mr. Ballantine agrees that is a good questions and that it has gone further than they intended. They will have a follow-up discussion with the Town Administrator and get it back on the agenda.

Mr. MacAskill notes that they have had this discussion at public meetings to bring this subject back. The last time was a few weeks ago and he did reach out to Chairman McNamara to get her available dates to suggest getting this back on the agenda. He agrees that it is a subject that the Board needs to take up. The final minutes have been done and approved for the recommendations from the Noise Containment Committee, there is a minority position on that Committee along with some other neighbors and that minority position wants to be heard. A Power Point presentation with a suggestion from the minority position of the Board is being sent to him within the next 3 or 4 days. They have been waiting for some pieces of what Mr. Nickerson is talking about. He points out that yes, they did get a letter from 70 plus people that were concerned. They have also gotten 70 plus on the positive side. This is a touchy subject that we need to address. One of the recommended changes is that the Board act faster which also speaks to what Mr. Nickerson has just laid out with his dates. He will point to COVID-19 and to Mr. Nickerson's initial comment to the Board thanking the Board for how much time they spend and how many meetings we have had, how many important subjects we have taken on. Not to minimize this but he thinks the Board has done the best it can and they will continue to strive for harmony in Harwich Port and the rest of the town. Without being able to give Mr. Nickerson a specific date, Mr. MacAskill will reach out to the Chair as soon as he receives the Power Point and the information he was told would be provided to him today by the Vice Chair of that Committee, Bob Cohen as well as the response from the Chairman Ms. McNamara.

Mr. Nickerson thanked them for their comments.

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PUBLIC HEARING/PRESENTATIONS

A. Public Haring- Discussion and possible vote on M.G.L.Chapter 138 section 12
Annual All Alcohol Liquor License -WFS Restaurant Group DBA L'Alouette-787 Route
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Town Administrator Powers thinks it will be helpful for the Board and for the general public, not only for this hearing but for future hearings to see how the Ballarin Factors impact upon licenses on distribution and sale of liquor. The Board of Selectmen, this evening, will be acting as the local licensing authority. On reviewing and rendering a decision on the application that will come before you the Board must consider MGL Chapter 138 section 23. That law and section speaks to the public need, common good and adequate number of locations in a municipality. Additionally the Board will use the Baalarin Factors in their deliberations. The Ballarin Factors come from the Massachusetts Appeals Court case Ballarin Inc. vs the Licensing Board of Boston. The Ballarin case clearly articulates the factors that will be used by this Board to form a basis in this application to determine the issuance or denial of the requested license. The Ballarin Factors are understood to be: #1. Public need meaning a consideration of the public want and the appropriateness of a liquor license and particular location. #2. Consideration of the number of existing dispensaries in a locality. #3. Views of the inhabitants in the locality in which a license is sought, #4. is traffic #5. Is noise #6. is size #7 is the sort of operation that carries the license and #8 is consideration of the reputation of the applicant. And then Mr. Chairman, you would seek a motion by one of your members, to open the public hearing, Town Administrator Powers will then go through the application documentation and indicate the comments from town departments. The proprietor/applicant is on the call this evening. Christian will have the opportunity to either make a presentation or answer any questions and then go from there. The Board could then ask any questions of the applicant. Mr. Chairman would seek if there was public input from any of those in favor of the application and any in the public that may be opposed to the application. After hearing from individuals and the general public the Board can then close the public hearing and the Board would get into a discussion and make motions. When you make motions you have to refer back to the Factors and whether or not you think the factor has a negative effect or a neutral or positive effect on the application and then you render your decision.

Mr. MacAskill commented based on the Town Administrators review of the Ballarin Factors. We are getting into renewals and hearings now. It's very important that the Board study these Ballarin Factors. As he read on line today, the motions are the most important part. Referring to the Ballarin Factors and the ABCC, they are very specific and the process has to be followed correctly. We are embarking on a completely new process and we have a lot of licenses that we renew and it appears we are having more and more hearings. The process on this is very specific if we want it to carry the weight of the Board and not have the ABCC rule against our decision based on lack of process. This is an extremely important process if this is the process that we chose to use.

Mr. MacAskill reads the public notice: Notice is hereby given under Chapter 138 of General Laws as amended that application has been made to this Board for an Annual All Alcohol Restaurant Liquor License for WFS Restaurant Inc. DBA L'ALouette , Christian Schultz Manager at the described premises located at 787 Route 28, Harwich Port , MA 02646. A restaurant that consists of one floor, two rooms, limited outdoor seating as allowed by the town and 1000 square feet. The Board of Selectmen will hold a hearing on the application on Monday, March 1, 2021, no earlier than 6:30PM via Go to Meeting at which time all interested parties are cordially invited to dial in.

Mr. MacAskill moved to open the public hearing, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Mr. Howell, Mr. Ford, Mr. McManus and Mr. Ballantine voting aye by roll call.

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PUBLIC HEARING

Town Administrator Powers wants it understood for the record that the Board is going through this particular process because this is considered an application for a new license in so far as Christian's application was received late. According to the ABCC, you cannot weigh in on a renewal, it has to be treated as a brand new request for a license. This process, while unusual, will be standard and is standard now for new licenses that the town may be issuing going forward. With regard to renewals, it's the Town's description as to whether we want to use this process. Many people know this establishment, where it's been located and how it has been operated for so long. It is a technical requirement of the ABCC that we take this up as a new license and treat it as such. For that the Board has the hearing information. The packet was presented to department staff to weigh in, there is a memorandum from the Police Chief indicating that the Police Department has no objections regarding the application for an Annual All Alcohol Beverage License, a background investigation indicates no disqualifying history. Also in the packet is a fully executed and complete application and the floor plan sketched out by the applicant/owner. At this point, it can be opened to Mr. Schultz if he has any questions or points that he wants to make for your consideration.

Applicant/Owner Christian Schultz apologizes for being a day late on getting his application in, he has learned his lesson and would appreciate it if everybody would understand that during this tough time, after a very busy weekend, Thanksgiving, he was behind the eight ball. He was late, brought it in on Tuesday instead of Monday and he apologizes for everything that he put everybody through and for all the money that he has to spend to get something that he has had for a long time. Thank you.

M. Howell stated that before taking questions from fellow Board members, Mr. Ballantine has to let the public play out and close the public hearing.

Mr. MacAskill adds that the Ballarin check list actually shows Board questions first. He agrees with Mr. Howell but the Ballarin procedures they received tonight reflect that they Board can ask questions now.

Mr. Ballantine remarked that he is going through the list that was provided by the Town Administrator regarding Ballarin very specifically. After the applicant speaks, the Board can ask questions, the public can make comments and then he will close the public hearing. Mr. Ballantine asks the Board members if they have any questions on this now. No questions.

Mr. Ballantine asked if there were any questions from anyone who had joined in the meeting.

No public input was provided.

Mr. MacAskill moved that they close the public hearing and go to the Selectmen's comment period. 2nd by Mr. Howell. The vote was 4-0-0 with Mr. MacAskill, Mr. Howell, Mr. Ford and Mr. Ballantine voting aye by roll call. Mr. McManas did not respond.

DISCUSSION BY THE BOARD

Mr. MacAskill is prepared to make a motion on this. The comment that he will make is directed to Christian Schultz and for the public education part of this. Mr. MacAskill accepts Mr. Schultz's apology even though he didn't have to apologize to the Board. This is a state process and he did not put the Board through anything. The staff as well as Town Administrator Powers were accommodating in the end to you but there was nothing that they could do. The bottom line, the state sets the process and a day late is a day late. Obviously Mr. Schultz was under a tremendous amount of pressure with Thanksgiving and a very busy restaurant with less staff than he was used to. It was a very different protocol. To Mr.

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MacAskill this is a no-brainer in giving the license back. He points out that this is not the Town of Harwich, it was the state and the state's rules.

Mr. Howell spoke. (inaudible for app. 30 seconds) He does not have a problem with this at all and has a fair amount of familiarity with the operation.

Mr. MacAskill asked Mr. Schultz to mute his mic due to feedback.

Town Administrator Powers states that where the Chairman asked for the input of the public and the record shows that no public input was provided, the Board has met those criteria. And where there Board is aware of this applicant, given that this is an administrative requirement, this is an operation that is well known to the Town and to the Board and staff. They are not aware of any derogatory actions in their file. The Board could dispense with the Ballarin factors by indicating that none of the Ballarin Factors impact negatively upon the application. The Board could also make positive motions such as the consideration or reputation of the applicant. Given that there was no negative information provided, the Board can indicate that the Ballarin Factors have no negative effect on its decision making. The Board can make that as a motion.

Mr. Ballantine asked if that could be part of the overall motion.

Town Administrator Powers replied that first, the Board would want to have a motion to dispose of the Ballarin Factors, then rely upon that disposal for the final decision.

Mr. MacAskill moved that the Board dispose of the Ballarin Factors related to the application, Chapter 138 section 12 Annual All Alcohol Liquor License - WFS Restaurant Group DBA L'Alouette - 787 Route 28. 2nd by Mr. Howell.

Town Administrator Powers suggested that a statement be added as to why the motion was made in support of that.

Mr. MacAskill added this statement to his motion. The Ballarin Factors have no negative impact on the community. It is a well-known enterprise and the Board is comfortable with this conclusion.

The vote was 4-0-0 with Mr. Howell, Mr. MacAskill, Mr. Ford, and Mr. Ballantine voting aye by roll call. Mr. McManus did not respond.

Mr. MacAskill moved that the Board approve MGL 138 section 12 Annual All Alcohol Liquor License - WFS Restaurant Group DBA A'Louette 787 Route 28, Harwich. 2nd by Mr. Howell.

The vote was 4-0-0 with Mr. MacAskill, Mr. Howell, Mr. Ford and Mr. Ballantine voting aye by roll call. Mr. McManas did not respond.

Town Administrator states that the Board has met all the requirements under the law.

Mr. Ballantine addressed Christian Schultz saying that the Board has put this in place and they hope he has a very good season.

Mr. Schultz expressed his appreciation to the Board for going through the process.

B. Cape Cod Commission Update

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Executive Director Kristy Sanatori of the Cape Cod Commission commented that she typically visits the Board of Selectmen from time to time, she started back in January of last year and is hoping to resume that in person. She provided some updates on the work they are doing and noted some of the priority initiatives for 2021. She had provided the Board with a packet. Some of the work they have been able to accomplish over the last year focused a lot on water protection and they provided administrative technical support to the Cape & Islands Water Protection Fund. The revenue to date is at 11 million dollars from July of 2019 to August of 2020. They are anticipating the next disbursement from the Department of Revenue shortly. They are hearing early estimates of 8 million for additional revenue from September through January. The Commission is pleased that there is this new funding source available for our communities. She thanks Mr. Howell for his participation with the Regulations and By Law Committee. They spend a significant amount of time on how the Board will govern itself and how funds will be distributed. Projects that were listed in the 2018 Intended Use Plan which includes the Phase 2 collections for Harwich, will be eligible for consideration for subsidy. The Commission spent time on COVID response and economic recovery highlighting two of the initiatives. One is the Data Dashboard which provides different data sets and demographic data for the Cape Cod towns along with other data. They also participated in three surveys of communities with the Cape Cod Chamber of Commerce. They issued one near Memorial Day to local businesses. Also one on Labor Day and they just closed a recent survey. Approximately 400 local businesses responded. The Commission can use the data of the effects of COVID to help local businesses with their resilience planning. They are looking forward to participating in the reopening. Another priority project and initiative was the development of a Climate Action Plan. They initiated the process for the first climate plan for Cape Cod. One of the first pieces of useful information they developed was the greenhouse gas emissions inventory. We now have an established data base of information that we can use to measure our progress. This year they are hoping to highlight some of the housing challenges in the region and will be issuing a home owner survey and a second home owner survey to evaluate how the pandemic has changed home owner use. The data will help with long term planning. They will be developing regional housing strategies working closely with the 15 towns for the purpose of addressing housing supply and affordability and availability. She highlighted their work in water quality protection which is geared towards marine water quality. There are around 1000 ponds on Cape and there is a need for a comprehensive water quality protection plan to address fresh water ponds. They are hoping to convene their One Cape Conference again this year.

Mr. Howell commented that they did spend a lot of time on the bylaws, the trick was the language. He appreciated all of the staff help. The DCPC was a remarkable process and the folks in Harwich appreciated the assist. The only negative regarding housing, there have been many requests throughout the last year that related to things that were a regional initiative. While they are commendable, the towns aren't rewarded by the current legislation and they should be. He suggests that the legislature needs to look at the bigger problem.

Ms. Senatori responded that those are valid points and perhaps a regional housing strategy would point out some of the reasons why our 16 towns need to be treated a little differently than the rest of the state.

Mr. Ballantine commended Ms. Senatori on her report and added that they are always looking for specific areas as well and he always appreciates the help that they receive from her.

CONSENT AGENDA

A. Vote to approve Dan Pelletier's nomination to the Pleasant Bay Alliance Technical Resource Committee - term indefinite

Mr. MacAskill moved to approve Dan Pelletier's nomination to the Pleasant Bay Alliance Technical Resource Committee - term indefinite. 2nd by Mr. Howell.

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Mr. MacAskill pointed out to the public that Dan Pelletier is our Water Commissioner in Town so this is a good fit and Mr. Pelletier has spent a lot of time getting ahead of some of the wastewater issues and he is a great fit for this position.

The vote was 4-0-0 with Mr. MacAskill, Mr. Howell, Mr. Ford and Mr. Ballantine voting aye by roll call. Mr McManus did not respond

NEW BUSINESS

A. Discussion - Draft warrant for 2021 Annual Meeting

Town Administrator Powers updates the Board on the warrant. At present there are 54 articles that are currently in the draft. He is working on the language for the Capital Outlay articles and the Community Preservation articles. There are 3 articles that are listed under new business. One is in response to Selectman McManus' request and directive earlier this year. There are two zoning articles on the docket. The Board must go through the required step of going through these before sending them back to the Planning Board. He will speak to numbers D, E and F as draft articles. We can move forward on B and C for the Board to make motions on those items to move forward to the Planning Board.

B. Discussion and possible vote - Referral to Planning Board to amend the Code of the Town of Harwich - Zoning Article XXIV West Harwich Special District by adding new s325-160

C. Discussion and possible vote - Referral to Planning Board to amend the Code of the Town of Harwich zoning by amending s325 - 42L Parking in the MRL and MRL -1 Zoning Districts

Mr. MacAskill moved for a Referral to the Planning Board Zoning Article XXIV West Harwich Special District by adding new s325-160. 2nd by Mr. Howell.

Mr. MacAskill clarifies that he is making this motion to send this back to the Planning Board but is no way saying that he is in favor. There is no supporting documentation in the packet. He is not supporting this and as of right now, he wants the public to know that he is not supporting this. The second part of his comments relates to a question that he asked a couple of weeks ago. He is very concerned with having a Town Meeting with very few attendees or just basically making a quorum. He feels zoning changes, however minor they are need as many people as possible to weigh in. He feels that, zoning amendments, as we navigate East Harwich and Wastewater and other potential zoning changes, end up on the ballot. Traditionally we get over 1500 people to the ballot, we're only getting a couple of hundred at Town Meeting. He hopes the Board has that conversation and certainly tonight is not saying that he supports this or that he supports it being on the warrant.

Mr. Howell agrees with Mr. MacAskill, in the process that is all they are really doing. As they come back afterwards and the Board reserves the right to either support the zoning by law or not when they do the warrant positions. Secondly, it is interesting because the Boards has not had a discussion about this. There is nothing bigger that is made as an investment in life than buying a home. The first question asked is, what could be built there, to get a feel for the neighborhood. He feels that it is mortifying that they state was bragging about affordable housing zoning changes to going to 50% plus one, In a town like Harwich where you have 7 villages, you get a low quorum at town meeting, no quorum at a ballot and you could easily have 4 of the villages conspiring and saying, well you can take a hit for the Town over here. There isn't much you can do about that at 50% plus 1. At least at 2/3 you have some certainty that

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it's a good idea, that they public supports it. He feels the Board should go carefully if they start toying around with this. He would encourage getting more public sentiment not half of 150 proper to go along.

The vote was 4-0-0 with Mr. MacAskill, Mr. Howell, Mr. Ford and Mr. Ballantine voting aye by roll call. Mr. McManus did not respond.

Mr. MacAskill moved to refer to the Planning Board to amend the Code of the Town of Harwich - Zoning by amending s325-42.L Parking in the MRL and MRL - 1 Zoning Districts. 2nd by Mr. Howell.

Mr. Ballantine clarifies that this is to refer this back to the Planning Board and not in support.

The vote was 4-0-0 with Mr. MacAskill, Mr. Howell, Mr. Ford and Mr. Ballantine voting aye by roll call. Mr. McManus did not respond.

Mr. MacAskill suggests the Board take D, E and F out of order as they are all related to Selectman McManus bringing these forward and move on to G and then go back to those if Mr. McManus returns.

G. Discussion and possible vote -Proposed article to allow permanent easement to Cellco Partnership (d/b/a Verizon Wireless) on the town-owned property located on Harbor Road Assessor's Parcel 15-U23

Town Administrator Powers clarified that Item D was Mr. McManus but Item E was him providing for the Board and he can explain later. Item F is necessary according to counsel if D or E is to be adopted by the Town. He asks to hold off on item G as counsel will be present next week.

Mr. MacAskill asked, regarding G., Harbor Road Assessor's Parcel 15-U23, there was nothing in the packet. He's like to know what that parcel is, how the Town acquired it, if that parcel buildable now and won't be if it is given permanent easement. He asks for as much detail as possible before this is brought back.

Town Administrator Powers responded that part of the reason staff pushed back was that counsel thought they would be here to present this tonight and it relates to a Town Meeting action. That material and information will be provided for Monday the 8th.

H. Discussion and possible vote- 2021 Annual entertainment License renewal - Morningstar Restaurant, Inc. DBA Villa Roma 278 Route 28 - Weekday 4:30PM -10PM inside only.

Mr. MacAskill moved to approve the 2021 Annual Entertainment License renewal - Morningstar Restaurant, Inc. DBA Villa Roma - 278 Route 28- Weekday 4:30PM - 10:00PM inside only, including any previous restriction the Board put on. 2nd by Mr. Howell.

Mr. MacAskill noted that the box, recorded music only, was checked on the application. For public knowledge it's not Villa Roma saying they are bringing in bands.

Mr. Ballantine addressed Town Administrator Powers, the Board has gone through a very detailed procedure on a new license. He wants to be sure they are being as consistent as possible regarding renewals and meeting that criteria.

Town Administrator Powers replied that with renewal of licenses, Ballarin Factors only apply to liquor licenses and that is at the discretion of the Board. If the Board is doing a renewal hearing with the

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understanding that it is tied to discipline which could include revocation, it has to rely on Ballarin section 23 public need for that but only for Liquor Licenses.

The vote was 4-0-0 with Mr. Ford, Mr. MacAskill, Mr. Howell and Mr. Ballantine voting aye by roll call. Mr. Ballantine has not been able to get in touch with Mr. McManus and expressed his concern.

I. Discussion and possible vote - 2021 Annual Victualler License renewal -
Ruggies Breakfast and Lunch - 707 Main Street

Mr. MacAskill moved to approve the 2021 Annual Victualler License renewal - Ruggies Breakfast and Lunch - 707 Main Street, 2nd by Mr. Howell. The vote was 4-0-0 with Mr. Howell, Mr. Ford, Mr. MacAskill and Mr. Ballantine voting aye by roll call.

J. Discussion and possible vote - 2021 Annual Innholders License renewal - Harwich
Port Seafarer DBA Mooncussers Tavern - 86 Sisson Road

Mr. MacAskill moved to approve the 2021 Annual Innholders License renewal - Harwich Port Seafarer DBA Mooncussers Tavern - 86 Sisson Road. 2nd by Mr. Howell. The vote was 4-0-0 with Mr. MacAskill, Mr. Howell, Mr. Ford and Mr. Ballantine voting aye by roll call.

Mr. Ballantine is reluctant to take action on D without a full Board. That is a major action.

Mr. Ford feels the Board should not take action without Mr. McManus present.

Mr. MacAskill is comfortable going through the agenda and seeing if Mr. McManus returns to the meeting. There are people present to discuss that and he feels the Board could have the discussion with no votes. Other Board members agreed.

OLD BUSINESS

A. A discussion and possible vote - To accept the proposed job description for the
Director of Planning and Community Development relative to the Planning Department
and Community Development organizational structure.

Mr. MacAskill moved to approve the proposed job description for the Director of Planning and Community Development relative to the Planning Department and Community Development organizational structure as presented. 2nd by Mr. Howell.

Mr. MacAskill commented that it was mentioned in the memo that they took into consideration to be asked by Selectman McManus and be added to this description.

The vote was 4-0-0 with Mr. MacAskill, Mr. Howell, Mr. Ford and Mr. Ballantine voting aye by roll call.

B. Ongoing discussion - Comprehensive Wastewater management Plan (CWMP)
Revision Strategy

Town Administrator Powers noted that Superintendent of the Water Department Dan Pelletier has laid out what staff is looking for as support as we get into the revision process as well as revision strategy on the CWMP

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Wastewater Superintendent Dan Pelletier presented the revision strategy. There are 7 steps within the strategy and it is intended to provide an open and transparent process to identify components of the CWMP that they are looking to revise. They hope to gain input from community stakeholders. Referring to residents, Board members, elected officials and town staff to work to provide recommendations. Mr. Pelletier went through the steps, #1 is Identify. They won't know what they know until they get stakeholder input. He noted the discussions and issues. He feels it's important to give everybody an opportunity at the onset of this process to bring forward any concerns. It is important to do that at the beginning to enable them to take those concerns to the next step where they intent onto #2 Sequence for the proper order that they should be addressed. Ultimately they will be discussing a number of different things, topics and disciplines in respect to zoning, flow, construction and civil engineering. After the topics are sequenced, they will #3. Gather all the relevant data. They need all the new data that has been published since the adoption of the CWMP along with the data that is in the CWMP. Before they move on to their draft, they need to #4 Review and establish an understanding of what the current language is, what it says and what it means with respect to our stakeholder input. They will also look for relevant new data and review that against items in the CWMP. Once they understand what the people want they will move into the #5 Input phase. They will conduct through public meeting to get stakeholder input as to what we are looking to change and what our vision is. Once through that phase they can take that input and begin #6 Draft and develop language. He turns to the Board as to moving forward with this process or come up with a different strategy.

Town Engineer Griffin Ryder noted that in order to move forward we would need to engage a consultant to help us with this process. They would know how to get through this process and through the regulatory boards,

Mr. Pelletier comments that they are not in a position to put together a scope of work right now. What they're looking to do is identify and gain some input alongside of a consultant so they can put a scope of work together.

Mr. MacAskill commented on the great work by all involved. He feels the CWMP should be changed, it needs updating as there is misinformation in it now. Hiring GHD to do the modeling was a giant step. We are going in the right direction to get real information and we have increased public involvement. On a town level we often go to consultants. We have to carefully consider who we hire and we have to identify what exactly we want our scope of work to be. He supports this and asks that as we go through this process, before we chose to use a certain amount of money from an old Town Meeting article where there is a certain amount between what was spend and what that article was. Since we've used that article now, it's not too late to go to Town Meeting this year and ask for the blessing of Town Meeting to hire a consultant to put this together. As much public input that we can get through that process is what we need. He asks another question related to the Wastewater Committee that we had. All it says on line is that it is no longer active but he does not believe the Board ever voted to deactivate it, it was a mass exodus. He does support this and feels we were led astray in some the East Harwich Projects and before we go any further we should be updating this plan and getting support of Town Meeting.

Mr. Howell added, any plan that gets the public some focus and input is a good plan. He notes that even our own Selectmen don't generally see DHY discussions. Mr. Pelletier and Town Administrator Powers have always pushed forward about the need to have a base upon which to make the argument to do anything in these phases. It was disconcerting to him to find that the minutes basically were the cliff notes of the meeting and made no mention of something that took 20 minutes for the Board to espouse, challenging some of the presuppositions that lead to actions in this. For anybody that's interested, his recollection is that the en masse resignations from there Wastewater Implementation Committee were almost entirely based on the fact that even the Committee, never minds the public, and was just shut out from the discussion. They never got relevant information they requested. The Board has been talking

about this for 2 months. We've done 2 phases, 2 contracts out in East Harwich which is the perfect time for us to say ok, were those assumptions real? Were they not real? If they are real, what does that lead us to do? Anything else will wind up shoot, draw, and aim. We shouldn't be talking about building more stuff until we build some confidence. The real problem right now, Mr. Pelletier has been trying to identify numerically what is compelling to do, how much it saves us. He feels it would be insane to take actions without the underpinning of this process. He commends everybody involved with this.

Mr. Ballantine commented that a lot of good information exists in the CWMP, which is put together by MEP. It wasn't a CDM Smith activity, it's now 15 years old and he agrees the Board needs to look at that. He would like as top priority to be put on our Local Comprehensive Plan. That's the mechanism that has been used in the past and we've been delayed on what our vision is for the town. Our opinion all along has been that, that's the driving force. The CWMP is intended to help inform and to guide. Somehow the CWMP has almost become our Local Comprehensive Plan which is backwards. He would like to be sure it's a top priority so they tie together. That puts some pressure on our Planning Department but that is where we always intended to have our vision of what the Town should look like. He also commends all the work that has been done. These are broad strategies that can now be separated out to specific key points and discussions going forward with that framework. It's a great document.

Mr. Howell commented, to be clear, what he was saying was aimed at a particular thought. He is not willing to advance building any hard assets anywhere unless we go through this endeavor first. We are not even sure what should be built, where it should be but and how big it should be built. Before we start spending a ton of money and borrowing it so that people have to pay it back, he would not support anything especially at this Town Meeting.

Mr. Ford supports the comments of Mr. Howell and Mr. MacAskill. He feels we need to move ahead with a consultant.

Clara McLardy added that one of the problems with the CWMP is that it neglects something that the Cape Cod Commission laid out very clearly as part of the initial process. Before you begin planning what you need to build, you need to identify for the Town, the cost of remediating based on what is already built. Then separately the costs based on future built construction, whether that's under current zoning or some other plan, those costs have to be enumerated clearly with public meetings and the public has to have input on how much they are willing to spend to facilitate future construction. She has heard from a member of the Wastewater Implementation Advisory Committee and other people in East Harwich who were involved at the time, that they tried to raise concerns and ask for that information and they were denied. That is really an underlying flaw. There may be some good information in the CWMP but it's built on a flawed foundation. She feels Mr. Pelletier's plan is excellent because he is going to go back to that problem and begin to rebuild and address it.

Mr. MacAskill is a big fan of giving direction and is looking at 2 Department Heads on the screen. They gave a presentation and he believes there was an ask. He heard your comments loud and clear from Mr. Ballantine and he thinks the Board is due an update on where we stand with the Local Comprehensive Plan. He suggests that we re-agenda in the near future, where we are and where we think we are going with it in a time line. We could leave tonight's meeting with a little direction for the 2 Department Heads and the Town Administrator to at least start inquiring about consultants. They will have a task and certainly not a money obligation to the Town. That gives them some direction and the Board won't have to have 2 or 3 more discussions before moving forward.

An unidentified person asked to give input on another topic. Mr. Ballantine suggested waiting until this subject was closed.

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Mr. MacAskill reminded the Chair that if it's not on the agenda and it's not related to an agenda item, they shouldn't be speaking of it. It might have to be back next week.

Mr. Ballantine asked that Town Administrator Power respond with an update as he has had some conversation regarding the Local Comprehensive Plan. He agreed that he would have an update shortly.

Mr. Howell asked if they need to make a motion to support the pathway that was presented tonight.

Mr. Ballantine replied yes and he would also like to include in that motion the appropriate funding in hiring a consultant to help.

Mr. Howell is trying to be sensitive to Mr. MacAskill's thought that if we have the time, we probably want to ask permission to use those funds. We're 2 months away from town Meeting, not sure if they are waiting that long.

Mr. MacAskill adds that without a motion, if the Board gives a general consensus, Mr. Pelletier, Mr. Ryder and Town Administrator Powers are clear on what they are being asked to come back with.

Town Administrator Powers wants to hear from the Wastewater Superintendent who has a question.

Superintendent Pelletier asked, regarding the fact that we are a couple of months away from Town Meeting, is this something the Board would consider requesting funds for at Town Meeting? Should they be soliciting qualifications for consultants and getting to that point?

Mr. Ballantine answered that he would like the scope to be identified, they will look at the funding and decide if they need to go to Town Meeting for the funds. It depends on what the amount is.

Mr. Howell adds, regarding going to Town Meeting, he has espoused this on a number of occasions over the last four years. The Board has identified what the funding source could be with the article. All it would require is a warrant article that asks Town Meeting for approval to use that money. They can continue to plan with the assumption that, that will be the funding source. Since we're this close to Town Meeting it wouldn't be difficult to actually ask if we can do this endeavor and the funding source being identified as our money left over from an article.

Sandy McLardy comments that he is in favor of what Mr. Pelletier and the team are doing. One of the first steps pointed out was to identify some key issues. He would like to identify two items. One is costs need to be accurately represented to the best of our ability. It is not an exact science, it's a soft science. Phase 2 has taught us a lot of things and in going through those numbers, Phase 2 added up to \$39,760,000.00 assuming \$10,000,000.00 for Contract 3 and we still don't know if that number is high or low. In the newspaper it was reported that the tie-in for sewers would be \$3,000.00 to \$6,000.00. Chatham has a very explicit cost breakout for their tie-ins and the average home's cost was \$10,100.00 if you had a grinder bump and \$20,000.00 if you didn't have a grinder pump. He feels the newspapers should update their report on that. Also it's been said multiple times that the IAs would be 3 times the cost of sewer and that's just not true. If you break up the 39 million by 667 parcels \$69,610.00 per parcel. If you break it up into dollars per kilogram per year it would be just over \$19,000.00 per kilogram per year.

Mr. Ballantine noted that this is off topic of tonight's agenda. There will be plenty of opportunity to discuss those points when they are brought back on the agenda. Mr. McManus has returned after some electrical problems. The Board goes back on the agenda to items D and E.

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D. Discussion and possible vote - Proposed draft article to amend the current rooms tax rate from 4% to 6%.

Town Administrator Powers notes that item D is a potential warrant article that is draft form and supported by Selectman McManus' previous request to establish an article that would raise the room's tax for a hotel, motel, short term rental from 4% which is the rate it has been since 1987 to the allowable amount of 6% and that the 2% difference be earmarked and set aside for Wastewater use. He emphasizes that articles E and F are of his own doing and he has a brief presentation for the Board on those. These are just draft perspective articles for consideration at a future meeting.

Mr. McManus notes that the expansion on the local option on the room's occupancy tax went into effect in 2012 or 2013. Some towns put it into effect then others waited a few years and have dedicated it to a variety of special purposes. As we have begun starting to implement our Wastewater Project and seeing the costs that it is incurring, the capital and operational costs, it would seem appropriate to look for an additional revenue source to start covering these costs so that not all of it has to be borne by our resident taxpayers. At this point, 11 out of the 14 towns on Cape Cod have enacted the higher level of local option tax. He feels we should have this in consideration for the future, set to be passed at this coming Town Meeting with an effective date of January 1, 2022 and with a specific purpose of funding Wastewater costs in the Town.

Mr. Howell notes that this is the second time the Board has talked about this, both are at the 11th hour before Town Meeting. We are in the middle of a pandemic, and we just got through a discussion that they're not going full bore into building new stuff until they verify what they need and where it has to go. He feels this it's premature and asks why they are talking about this again right before a Town Meeting. They have had a year and a half since the last discussion. He would feel more comfortable about this with the public being involved. This speaks of the Board trying to smack something through in the winter that nobody was aware that they were looking at.

Mr. Ballantine addressed Ryan Castle as he had sent an email. He is not present.

Scott LeJoy from the Cape Cod and the Islands Association of Realtors states that they do not oppose the increase from 4% to 6% level. They did mention in an emailed letter to the Board that they were hoping for an effective date of January 1, 2022. It's based on your actual stay, not your booking. People have already booked and they will be surprised come summer post July 1st, if this were to go into effect July 1st, that they would also owe another 2% above what they were quoted. All they ask is that it's pushed to January 1st.

Chamber of Commerce Director Cynthia Williams has a number of the hotel properties here on the call. She sent an email once she saw the packet so they were aware and given the link to be on the call if they would like to. We are in the eleventh hour but also prior to the season. This sector has been one of the hardest hit, they ramped up towards the end and did well. But, we are going to be asking them to now be challenged to reach out to their guests, starting in January helps a little, but we are trying to be kind and support our businesses yet we're challenging them with adding 2 more percent. She understands the Wastewater but we're also trying to support these poor little businesses. A couple of our inns have just recently sold, have new owners and here we go. She is torn on this one.

Mr. Ford asked Mr. McManus when this would go into effect. Mr. McManus replied that it wouldn't go into effect until calendar year 2022.

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Innkeeper Sharon (no last name noted) commented that a 50% increase in the room occupancy tax is significant, if we are doing this just was another way to get money, it's a hard thing to swallow. You are targeting a very specific demographic and she resents the comment that Mr. McManus made that doing this through the room occupancy tax would be good because we wouldn't have to burden the people that live in this town. She lives in this town and her business is in this town. She finds his comment very offensive. She asks if they understand where she is coming from. In addition, she already has bookings for 2022. Because of COVID people moved from last year to this year and now they're moving to next year. She thinks they need to do this in a year where we don't already have bookings in place. She suggests 2023 where most of the properties here don't have a lot of bookings. If this is a service for the whole town then the whole town should bear the cost of it not just targeted businesses where you can find a way to take extra money from them.

Bob Nickerson states that we're paying 12.45%. If we get into the Community Impact Fee and you add that in, we're going to be up to 17.45%. That is a 40% increase on tax. He applauds the Board for trying to be very business conscious but he feels the Board thinks that owners that renter the property they have, are on a different level. As a renter, he has to cover all the other costs that are there yearly, taxes, insurance, utilities etc. He does not have the ability to raise the rent on his property enough every time the Board hits with another potentially 6%. He agrees 100% with Sharon and asks why they are selecting this industry as renters and realtors that rent and act as agents and putting the onus on them. It is totally unfair and should be throughout the town to cover these costs.

Bill (last name not noted) feels it is unfair to target people and their houses. He doesn't mind seeing his property tax increase but if it's targeting just renters or people that rent their houses, that's something else. He is opposed to it but as far into the future as the Board can put it, the better.

Mr. MacAskill states that his objection stands as it was 2 years ago. He thinks that the addition of the 5.7% state tax and the addition of the water collaborative at 2.75% is a lot. It's a tax and spend society. A year and a half to two years ago, the Board added short term rentals to this and by adding that the short term rentals people went from 0% to 12.45%. Cape Cod is still a destination place, the bulk of these businesses make their money in 3 months. To add another 2% doesn't seem like a lot to a lot of people but it is a lot and it's a lot on perception of people booking and coming to Cape Cod. If he lived outside of Cape Cod and was choosing somewhere to go he would choose another community because we're impacting not only the short term rentals but we're impacting the inns and all of the businesses. He feels the Town of Harwich and this Board should reject this, we should welcome these people who are coming to spend their money in the Town of Harwich. In regards to the additional money that they have raised, he still does not have a number. The additional 4% was dumped into the General Fund which will ultimately turn into free cash which they will ultimately use to go shopping for trucks and equipment with, no plan. He suggests they make a plan to dedicate half of the 4% to Wastewater and only 2% go into Capital items. The budget is 73 million dollars and we need to stop. Now we're asking upwards of 17% in taxes. The Board should take a stand, Wastewater was expensive but we just chose to freeze projects coming before Town meeting. There is time to think this through and it's more than just the inns, its short term rentals which they heard an awful lot of people talking about having to rent their homes to keep their homes. He strongly objects to this, there is no plan on the past money that has been raised and that should be figured out before they add percentages. He asked Scott LeJoy if that non objection was a vote of the Board or where that came from. He believed that organization strongly opposed two years ago.

Mr. LeJoy stated that the percentage increase is going to Wastewater issues that have to be dealt with in town. So many other communities have moved up to the higher percentage.

Mr. MacAskill interrupts to say it was a question, is this a consensus or a vote of your Board as a whole? And, did you strongly object 2 years ago to the increase in taxes?

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Mr. LeJoy answered that their Board did not vote on this. Regarding the situation a few years ago, he was not here. He would have to check with Ryan.

Mr. MacAskill would like, because Mr. LeJoy announced his organization, he thinks it's important for the record to know if it was a vote of the Board and he also thinks it is important to understand that they objected in years past. If he could get this Board information back through Town Administrator Powers, he would appreciate it.

Mr. LeJoy will do that.

Mr. McLardy says he supports this motion to raise the taxes on short term rentals. Wastewater is very expensive and we're going to have to do some wastewater. He feels that this influx of people that come to rent are adding to the load. He was not aware of what Mr. MacAskill said that the previous tax increases did not go to the Wastewater. He feels it really needs to be appropriated to what people think it is and that's Wastewater.

Mr. Nickerson asks why the burden put on a small few, 20-30% of the people that have to rent their homes. They have to pay the same Wastewater that everybody else does. Plus the extra percent you're adding on top of that. They are paying their share like everyone else.

Mr. Howell clarifies, going back to what he was saying, whether or not this is a good idea is secondary to how they are trying to do this again, we're doing it at the last minute going into a Town Meeting. We do public hearings all the time. This is just wrong to come up with this in March, to throw it on an agenda in the middle of a pandemic, in the middle of discussion of a Town Meeting warrant, not to encourage people to actually come in on this. There is no urgency because they are not going to be laying more pipes this year, we're reexamining what we're doing and there are a ton of taxes lathered on. Why aren't we doing public hearing?

Mr. Berkeley says he has been listening to the conversation and his feelings are that, we were hit a couple of years ago with this tax that went right to our renters and it just seems unfortunate if we would have to hit them again this soon. Some these people have been coming back year after year and all of a sudden there was a tax thrown in and then a year later there's another tax put on top of it. They're going to feel as if they're being targeted. It's been coming in too fast, too soon.

Chamber of Commerce Director Cynthia Williams noted that this doesn't just effect the inns, the hotels and the sort term rentals. She refers to the last few weeks, she's been on telling the Board about the new businesses that are coming into town. Those are effected too. This is hitting other businesses and our restaurants. They've all struggled the last 12 months. This is not the time.

Mr. McManus says he has no problem if they want to make the effective date January of 2023. He has asked in past years that during the fall the Board schedule the agenda time to have that discussion about what issues we want to see on the Town Meeting warrant. We never seem to be able to get to that point, to have these debates and decide which ones need to be put out for a public hearing, which ones we want to become high priorities or low priorities. In past years we would be talking about the warrant in December because the due date was the first Friday in January. We've used it back again and again, theoretically so we won't be rushed, but we seem to be more rushed at this point.

Mr. Ford's comment is that pushing it to 2023 is probably a wise idea. It's certainly a revenue stream that we need to consider.

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Mr. Ballantine goes back and forth on this. We do have to consider revenue streams. His view now is to not bring this forward to Town Meeting even with a later date. The Board has to have further discussion and if they want to do 2023 that may be possible.

Mr. MacAskill noted that it's clear where he and Mr. Howell stand. If we talk about January 1, 2023 let's talk about it next year. And let's take it much earlier in the year and not in the last 3 months.

Mr. McManus states that it has become a circular argument. We're putting it off to 2023 because of the indication that people have already booked then. If we wait until next year, the argument will be, well we've already had people book into 2024 so we need to put it off even further. It's a process that never ends.

Mr. Howell clarifies, we did not have Town Meeting until September this year. If we do what he suspects we're about to do, it is no problem holding a public hearing in the summer when everybody is here and can make comments with an eye towards putting it on Town Meeting. It's not a circular argument at that point because we're giving clear direction of what we're going to do based on public input. His concern is that they have not done that in either of these two discussions. He'd be interested in knowing what the official position of realtors are and what some of these other businesses are. They can't rely on Ms. Williams rounding up a few people because in the 11th hour we're trying to do something.

Mr. McManus moved that this article be included in the warrant at Town Meeting, 2nd by Mr. Ford. The vote was 2-3-0 with Mr. McManus and Mr. Ford voting aye, Mr. MacAskill, Mr. Howell and Mr. Ballantine voting no by roll call.

E. Discussion and possible vote - Proposed draft article to establish a Community Impact Fee for professionally managed short term rentals (MGL c64G, sec 3D (a)) of 3%

Town Administrator Powers states that due to Mr. McManus' due diligence he came across this Community Impact Fee and developed a draft article for the Board's consideration at a future meeting. The only difference is, this talks about a tax of no more than 3%. If you adopt this tax, you have to identify at least 35% of the proceeds which must be earmarked to an infrastructure project. It's got several different components to it. It is out there for the Board's consideration.

Mr. McManus thanked the Town Administrator for pointing out that this was not his suggestion. If you look at the legislative history of the enactment of this provision of the expansion of the room's occupancy tax, all of these community impact issues were added at the behest of the legislators from the urban areas of Boston, Worcester and Cambridge and it was to ameliorate the significant problems they were having of investors coming in, buying up apartments and condominium units in the middle of large holdings and running them like a hotel. These are not the issues that we have to deal with. He would never support enacting the Community Impact Fees in the way they are mandated. They are very complex and they're based on the belief that these agglomerations of apartments here and there around a community are being run professionally like a hotel but spread out amongst several buildings.

Town Administrator Powers wants this Board and the general public to know that if he finds information that he thinks the Board might be interested in, he will pursue it and present it in the manner that he has. That led to item F, regardless of the sentiments of what we think about items D and E, statements were made earlier that there is revenue that is coming into the town that's fairly new. It's the short term rental money and it's going directly into the General Fund. In these discussions and his research into D and E, he has worked with counsel and counsel has identified that the Town could create a Wastewater Special Purpose Stabilization Fund. If the Town is desirous of putting aside some of the current tax revenue that is generated to make sure that it doesn't all drift away to the General Fund, it could establish this article.

The language would change because it was presumed to be based on the previous two. The Town could enact that to set aside the revenue that you have indicated has been lost.

Mr. Ballantine confirmed with the Town Administrator that his intent would be to rewrite that based on current revenues rather than the articles above if the Board is so inclined.

Mr. MacAskill would support the creation of that fund. The Board would have to bring this back to have a conversation because it's revenue that we're already collecting. He would support taking at least half of the 4% and put that into this special fund. It would have to be brought back. We could vote the fund tonight if they wanted to but why not bring the two of those back together and allow for the debate.

Mr. Howell is in favor of the concept since its money that the town is already collecting, directing to something that's substantive and is a Capital Outlay. He would like to see this happen rather than outing it in General Revenues and then spending it out.

Mr. McManus comments that he doesn't have a problem with this. It will take an analysis of what revenues we are currently collecting and the impact on our free cash, depending on how much is dedicated.

Mr. Ford thinks it's a good idea but he would seek the guidance of the Town Administrator and Ms. Coppola on planning the budget and on these revenues.

Mr. Ballantine summarized that this will be brought back later when Town Administrator Powers has answers the questions that have been asked. The consensus is that all Board members are in favor.

Mr. MacAskill agrees that Town Administrator Powers and Mr. Coppola should take a look at where that money is being spent.

Mr. McManus moved that the Board does not consider placing the Community Impact Fees issue on the Town Meeting Warrant, 2nd by Mr. MacAskill. The vote was 5-0-0 with Mr. MacAskill, Mr. McManus, Mr. Ford, Mr. Howell and Mr. Ballantine voting aye by roll call.

Mr. Ballantine clarified that a motion is not necessary on the Wastewater Fund because the Board requested that it be brought back.

Town Administrator Powers clarified that item G is coming back with the language that Selectman MacAskill had mentioned. Counsel was not prepared to have that after it was put on the agenda. That is an article that will also be appearing in the warrant. He also states that he has been working with the Town Moderator and Town Clerk to gauge their availability and scheduling. He continues to work with the Assistant Town Administrator who remains the Interim Health Agent for the short term. It is his recommendation that it will come before the Board for a formal vote at a future meeting. He will be recommending that the Board vote to postpone the meeting on May 3rd to reschedule it to Saturday, May 8th at 10:00AM. In an effort to involve as many people as possible, he'd like to have a discussion about having that meeting outdoors.

Mr. MacAskill updated Mr. McManus on the items that he missed earlier.

CONTRACTS

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A. Discussion and possible vote for the Board of Selectmen to execute contract with Bucher Municipal North America, Inc. for the purchase of Sweeper Body and Pony Motor for the Department of Public Works for \$125,000.00

Mr. MacAskill moved to execute the contract with Bucher Municipal North America, Inc. for the purchase of Sweeper Body and Pony Motor for the Department of Public Works for \$125,000.00 as presented, 2nd by Mr. Howell. The voter was 5-0-0 with Mr. MacAskill, Mr. McManus, Mr. Howell, Mr. Ford and Mr. Ballantine voting aye by roll call.

B. Discussion and possible vote for the Board of Selectmen to execute contract with Scoreboard Enterprises, Inc. for the purchase of a scoreboard at Whitehouse Field for \$62,095.00.

Mr. MacAskill moved to execute contract with Scoreboard Enterprises, Inc. for the purchase of a scoreboard at Whitehouse Field for \$62,095.00 as presented, 2nd by Mr. Howell.

Mr. Ballantine notes that the funds for both these items has been approved at Town Meeting. Scoreboard is partially funded through a gift from the Red Sox Organization.

Mr. MacAskill comments, related to the scoreboard, the Mariners donated \$75,000.00 to the scoreboard and the scoreboard cost \$62,095.00. He asked if the \$55,000.00 voted at Town Meeting will be returned to the CPC Fund and the scoreboard will actually be paid for by the Mariners.

Town Engineer Griffin Ryder replied that the total article amount was \$55,000.00 which included safety netting as well. The donation that was accepted from the Mariners was not only for the scoreboard but also for the lighting. The lighting project is also underway, they are going out to bid for the contractor to install that lighting. The thought is that the Mariner's donation will supplement the Town's appropriation for the scoreboard and the lighting project. We would not be giving back money but there was a request for \$100,000.00 for this project before the CPC that was rescinded just recently because of the Harwich Mariner's stepping up with the donation.

Mr. MacAskill asked for a better explanation to the Board and to the public, hopefully in next week's packet as to where the money is going to go, what portion of that the Mariners are paying. It is not spelled out. He would like to understand what other projects are being paid for with this money.

Mr. Ryder will provide a breakdown.

The vote was 5-0-0 with Mr. MacAskill, Mr. Ford, Mr. McManus, Mr. Howell and Mr. Ballantine voting aye by roll call.

TOWN ADMINISTRATOR'S REPORT

Town Administrator Powers reports of a hiring that is to take effect 14 days from tomorrow and that is our Scale House Operator at the transfer station, Dana Decosta. He has been serving in that role as a temporary for many months. This position was advertised in late fall, early winter of 2020. There were no internal candidates. It was posted externally and we had one applicant and that applicant is Mr. Decosta. It has taken this long because he was looking to the DPW Director to certify that there is a stable source of funding. There is now a stable and ongoing method to support that position. Also, the Monomoy Regional School District is holding a forum this Thursday evening, March 4th at 6:30PM. It is

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a ZOOM meeting with call instructions available on the Monomoy Regional School District's page. The topic is the status of the Regional School District's elementary schools. Report concluded.

SELECTMEN'S REPORT

Mr. MacAskill has one request. A resident has a problem relating to excise tax. He has not been able to get an answer on whether or not he is supposed to be paying it. He sent section 2 from mass.gov of the Excise tax laws and this relates specifically to boats. He has an unregistered, unusable boat in his yard. The way the state law reads, it is a waterways user fee. If you are not using the waterway and the boat is not capable of using the waterway, then he shouldn't have to pay excise tax. That is not the answer he's getting from the Town of Harwich. He asked Town Administrator Powers to get from Donna Molino in the Assessor's Office, an explanation in writing as to why that is not being changed and clarification from the state or Town Counsel. It would be appreciated. He feels excise tax bills should not be sent if they are not supposed to be sent. Or there should be an appeals process related back to the law.

Mr. Howell has one item that came to his attention this past week. The Citizens Activity Form is geared more towards hiring an employee than welcoming somebody to volunteer, in terms of resumes and other things. He'd like to see if the Board could at some point revamp that so that becomes more of a willing open invitation for people to serve as opposed to, we're not quite sure if you're up to it or not. He also asks the Chair to agenda this next item regarding the Main Street bog that Leo Cakounes is currently occupying. Mr. Howell contacted the Conservation Commission as the liaison. They have had considerable discussions about passive resistance where no action becomes an action and slowly but surely we are losing bogs. That particular bog was leased by the Board of Selectmen and they are the only ones with the authority to enter into a lease. He sat through a 3 hour meeting last week and there was no mention of it. The Board needs to have this discussion. He is pretty sure that the majority is in the same place. He is unwilling to give up their heritage because slowly but surely they take no action in a pump house, pump houses just go away and we just have an open field. It is unreasonable to wait any longer. ConCom can't enter into the contract, they weren't a signature of it. It is not too soon to act because if the lease ends in August and somebody has a lot of personal property out there and there's no intention on renewing it, he has to take action to remove property. An RFP would have to be formulated, issued, responded to and the Board would have to award it. All this takes time. He's not willing to wait until it goes by the time of exploration. He requests an agenda item relative to that.

Mr. Ballantine answered that Any from the Conservation Commission has scheduled that for bid in a couple of weeks. We can agenda it as well.

Mr. Howell states that they should be invited to our meeting because the lease isn't theirs to issue.

Mr. MacAskill adds to Mr. Howell's request that the Board should seek legal opinion. If it's the Board of Selectmen's lease, why couldn't the Board of Selectmen extend the lease for at least a year while we go through a real process on this. If we have that ability, the Board should vote to extend the lease and not go through the process.

Mr. McManus referred to a question raised in an earlier discussion that did not get an answer. Mr. Castle is on the call now and can answer that question regarding whether the room's occupancy tax was a position that was voted on the Board and what the Realtor's Association's position was when this was enacted several years ago.

Mr. Castle noted the email he sent to the Board that clearly outlined that they neither oppose nor support the Board raising the room's tax. They stay silent on the issue of raising room occupancy tax. Their concern is that if it is implemented and raised, what their implementation date would be and also the

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Community Impact Fee. When it was at the state level they opposed it for several years. They believe that short term rentals are not the same as hotels in the way they're operating.

Mr. Ford- no report

Mr. Ballantine-no report

Mr. MacAskill moved to adjourn, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Mr. McManus, Mr. Ford, Mr. Howell and Mr. Ballantine voting aye by roll call.

Respectfully submitted,

Judith R. Moldstad
Recording Secretary

March 1, 2021

