

RELEASED

MINUTES  
EXECUTIVE SESSION  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, MARCH 5, 2018  
6:00 P.M.

APPROVED  
CONFIDENTIAL  
EXECUTIVE SESSION  
MATERIAL

**SELECTMEN PRESENT:** Ballantine, Brown, Howell (arrived 6:10 pm), Kavanagh, MacAskill

**OTHERS PRESENT:** Town Administrator Christopher Clark, Labor Counsel Kevin Feeley, Kathy Green – Real Estate & Open Space

Chairman MacAskill called the meeting to order at 6:00 p.m. Ms. Kavanagh moved to go into Executive Session (1) Pursuant to MGL c.30A, §21(3) to conduct strategy sessions with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the Chair so declares – HEA Union; and (2) Pursuant to M.G.L. c.30A, § 21(6), to consider the purchase, exchange, lease or value of real estate, if the Chair declares that a meeting may have a detrimental effect on the negotiating position of the public body - Financing for research of owners unknown parcels. Mr. Ballantine seconded the motion and the motion carried unanimously on a roll call vote.

HEA Union

Mr. Clark reported that discussions with the HEA Union over Friday afternoon opening have not progressed. He noted that the union doesn't agree with changing the hours and we are saying we won't ratify without the change. Mr. Clark indicated that they believe that if the membership voted it would pass but the bargaining team is not willing to call for a vote. Mr. Feeley reported that he had reached out to the Union Attorney, Mr. McAuliffe, who asked to sit down and hammer this out and there is probably no harm to that. He stated that the money for retroactive raises can go away at the end of a fiscal year. Mr. Feeley suggested that they may be able to do some "horse trading" and noted that they had asked to be able to accrue more compensatory time. He said their biggest weapon is morale. Mr. Clark commented that they can make life uncomfortable (e.g. letters to the editor) and questioned if the Board is alright with ramping it up. There was discussion about agreeing to a one year contract and then bringing it back next year. Mr. Clark and Mr. Feeley both indicated that this was brought up at the end of negotiations when the Board expressed the desire to go back to the prior hours right away but it was no secret that they knew that this is what the Board ultimately wanted.

Chairman MacAskill said he doesn't believe the Town Hall hours are the issue and the word is the Board is holding this up and Mr. Clark is hard to get a hold of. He stressed that the Board only asked for two items, simultaneous job postings/advertisements, and the change in hours. He said that the Union wants it ratified with a letter of understanding to bring it back, but he is not willing to concede. He said they need to sit at a table and Mr. Clark agreed that it may be worthwhile. Mr. Feeley said he would call Mr. McAuliffe to set up a meeting for next week. He said we will hold firm but if they are at loggerheads, a Selectman should be available to explain that we won't ratify without the change in hours. It was agreed that Chairman MacAskill would serve in this role. Mr. Howell stated that he would rather have not contract if we can't get the two items.

### Real Estate & Open Space Request

Ms. Green, Chair, outlined the letter from Real Estate and Open Space dated November 1, 2017 (see attached) requesting financing for owners' unknown parcels, particularly for land located to the west and south of Little Shaver Lane totaling 31 acres.

Chairman MacAskill explained that they are requesting to use money from the \$50,000 that was set aside by Town Meeting to do title research. There was discussion about the possible uses for the property including housing and conservation which fall under CPC guidelines.

Mr. Howell stated that Little Shaver was conceived by Mr. Fennell as affordable housing and he has heard that there are already one or two developers ahead of us. Mr. Clark explained that we have to do the title search to find out who owns it and private developers can try to secure it for themselves. Ms. Brown questioned why we would spend the money if someone else is already doing it. Chairman MacAskill responded that that is hearsay at this point and we may get the property.

There was discussion about taking the property by eminent domain and Mr. Clark stressed that there must be a stated purpose to do so. Mr. Clark said the intent starting off would be for a CPC purpose and the Board agreed.

Mr. Ballantine moved to move forward with Real Estate and Open Space doing limited title search for owners unknown property, 31 acres adjacent to Little Shaver Lane. Mr. Howell seconded the motion and the motion carried unanimously on a roll call vote.

Mr. Ballantine moved to adjourn at 6:40 p.m. Ms. Brown seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel  
Recording Secretary

From: Katherine Green <ksgr58@gmail.com>  
Subject: letter to BOS  
Date: November 1, 2017 at 9:29:35 PM EDT  
To: Sandy Robinson <srobinson@town.harwich.ma.us>

COMMUNICATIONS  
EXHIBIT 98.3.1  
MATERIAL

Hi Sandy - could you please pass this on to the BOS. Thank you. I will drop off a map tomorrow.

To: Board of Selectmen  
From: Real Estate & Open Space Committee

The Real Estate & Open Space Committee (REOS) is charged with reviewing 'Owners Unknown' parcels. We would like your support seeking funding from the Community Preservation Committee (administrative expenses fund) to pursue potential acquisition of an Owners Unknown parcel for open space preservation. Monies have been put aside for legal research for parcels identified as being in tax title or owners unknown.

A parcel of highest interest to us is located to the West and South of Little Shaver Lane located on Route 39. This parcel is approximately 31 acres; abuts water department land and is entirely within a Zone of Contribution to municipal wells. It is important to protect our public water supply. In addition this parcel is entirely within areas mapped by the state as NHESP Priority Habitat for Rare Species (i.e., the geographic extent for state-listed rare species) and NHESP Estimated Habitat for Rare Wildlife.

This parcel has been identified as a parcel of high interest in previous letters to the Board - one dated April 6, 2012 and the other date June 5, 2015. There is a sense of urgency here because other surrounding properties have been receiving much interest from potential developers. We understand that potential owners may be identified through this process. We hope that you are diligent in setting deadlines for collection of back taxes and/or initiating eminent domain proceedings to allow this parcel to be designated by the BOS for CPA related purposes.

These efforts may yield extensive benefits for the town at relatively low cost, and we urge you to direct prompt and thorough administrative action and legal research. Please let me know if there is any additional information needed from us that could move this forward. \*\*We are looking for a vote of support in pursuing the use of CPA funds for legal research that have already been put aside for this purpose.

Sincerely,

Katherine S. Green  
REOS Chair