



APPROVED

RELEASED

MINUTES  
SELECTMEN'S MEETING  
REMOTE PARTICIPATION ONLY  
MONDAY, MARCH 8, 2021  
5:30 PM (Executive Session)  
6:30 PM (Regular Session)

**SELECTMEN PARTICIPATING:** Chairman Larry Ballantine, Edward McManus, Michael MacAskill and Don Howell

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

**CALL TO ORDER**

Chairman Ballantine called to reopen the meeting at 6:30PM for Regular Session for March 8, 2021. The Executive Session was called to order at 5:30 PM.

**EXECUTIVE SESSION**

A. To review the status of Litigation involving the Town and strategy with respect thereto. The Chair has determined that discussion of litigation matters in open session may have a detrimental effect on the litigation position of the Town. The following cases will be discussed: Collins et al. v. Orsini & Town of Harwich Zoning Board of Appeals, et al, Cuddy, Trustee v. Harwich Planning Board, Eldredge, et al v. Town of Harwich et al, Gomes v. Chief of the Harwich Police Department Donald V. Holt, III. v. David J. Guillemette, Harwich Police Chief, Jones v. Harwich Board of Health and Town of Harwich, King and James M. Kelly v. Harwich Conservation Commission, King and Kelly v. Walter Diggs et al and the Harwich Conservation Commission, McCourt et al v. Town of Harwich Board of Appeals, et al, Novak v. Town of Harwich Conservation Commission, Rego et al v. Harwich Zoning Board of Appeals, Walsh Brothers Building Company, Inc., et al v. Harwich Conservation Commission, and Town of Harwich, Watkins, et al v. Town of Harwich, et al Barry Dino Viprino v. Chief of Police, Viprino v. Town of Harwich 542 Main Street, LLC v. Town of Harwich Planning Board, Eardley v. Harwich Police Department, Sullivan, et al v. Harwich Board of Selectmen, Viprino v. Diggs, et al (Harwich Conservation Commission), Virpino v. Massachusetts Department of Environmental Protection and the Harwich Conservation Commission.

Mr. Ballantine reported on the Executive Session reviewing status of all the town actions presently in play. They received the review and will follow-up with some questions after the fact as they were time limited. It was a good discussion and cases are moving forward.

B. Pursuant to MGL c30A section 21(a) paragraph 3 to discuss with respect to collective bargaining for Harwich Employees Association (HEA) if an open session would have a detrimental effect on the town's bargaining position and the Chair so declares.

Mr. Ballantine reported that the Board moved onto, Pursuant to MGL c30A section 21(a) paragraph 3 to discuss with respect to collective bargaining for the HEA. They had a discussion, it is an ongoing item. They will follow up in the next several Executive Sessions. The meeting was closed at 6:44PM and now back into open session.

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## WEEKLY BRIEFING

Town Administrator Powers noted the significance of this week, encroaching upon a full one year of COVID-19. We know that Wednesday, March 10th marks one year since Governor Baker declared a State of Emergency in the Commonwealth of Massachusetts. The impact of that is no less evident by this discussion this evening as the Board will meet jointly with the Finance Committee, an annual endeavor that usually takes place on a Saturday with some camaraderie but we are not able to do that this year. He asks for a moment of silence to recognize what the past year has brought upon our town, our state, our nation and our world, keeping in mind those who have been impacted by the devastating effects COVID-19 as we approach upon the first anniversary of that dreadful pandemic. (Moment of Silence)

### A. COVID-19 Updates

Interim Health Director Meggan Eldredge reported more good news again this week. We are following 2 different active cases, we are in single digits of active cases in Harwich for 2 weeks in a row. Our positivity rate is less than one percent. (0.97%) They believe it's partly because of vaccinations and partly because it's too cold to gather with friends as much as it was over the holidays. There is an opening in another priority group within Phase 2 of the vaccination plan. Starting Thursday, March 11th people in early education, K-12, educators, etc. become eligible to sign up for a vaccine appointment. We are getting more vaccine week to week but it is still not up to the demands. Cape Cod Community College has been tapped as a site for vaccines on Cape Cod and they're looking to do in the thousands of vaccines every week. That is a big difference from a week or two ago. The slots fill up quickly. All appointments are booked on the [mass.gov](https://www.mass.gov) website. If you are 75+ you are encouraged to contact the Health Department or Counsel on Aging to be put on a list. They are monitoring the list and sharing with Cape Cod Healthcare to get those people vaccinated. They are using the Johnson and Johnson vaccine, it was just approved for use and it's a one and done vaccine. Starting Thursday there will be a huge influx of people looking to be vaccinated. There is a plan in place to vaccinate our homebound. We are working with EMS and Outer Cape Health and have our list of or homebound population so that is underway as well as with our senior housing facilities, Pine Oak Villages. One is being taken care of by the Federal Pharmacy Program, CVS is doing one and the others are being done by Outer Cape. They are encouraging testing for anyone who is symptomatic. We have Outer Cape as well as the Cape Cod Healthcare Hotline that you can call to get a test. You can go to [CVS.com](https://www.cvs.com) and sign up for a test. Right now they are not hard to find. If you have symptoms, it's a free test.

MacAskill stated that he was contacted by someone in the little league organization today and they're anxious to get their players back on the field and asked if they were able to do that.

Ms. Eldredge replied that right now, the sports guidance hasn't changed. They are allowed to play with lots of restrictions such as masking and social distancing. It's up to the organization to meet the guidelines.

Mr. MacAskill asked for and Ms. Eldredge will forward those guidelines to him. He also noted that the little league organization was told last year that the town wasn't in favor of them using the field. He asked if that was still the case.

Ms. Eldredge replied that it was never the case. No one requested use of the fields last year so if they do receive a request, they will just confirm their COVID protocols and allow play.

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

Executive Director of the Chamber of Commerce Cynthia Williams reports that businesses that have been closed are starting to open. They are getting ready to do a few socially distant ribbon cuttings with some

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of the new businesses. They are also working with 2 inns with new owners to get them prepared for the season and for what to expect. For anyone who did not stop in to Dr. Gravity's Kite Shop please go and meet the new owners Rob and Collette. They're motto is, they're going to take what's been and make it soar. They're a great couple and they've done a great job.

Mr. McManus commented on one of the aspects of the pandemic making traveling more difficult, putting off planned vacations etc. He offers kudos to Congressman Keating's Office. There is a local family with the mother at Mass General with health issues. Other family members are out of the country. He reached out to Senator Keating's Office and they have been working hard all weekend to make that happen and the grandmother may be here by tomorrow evening. He commends Senator Keating and his staff for all their hard work.

Mr. Ballantine noted that Mr. MacAskill is on audio but not video this evening and Mr. Ford is unable to attend.

### **PUBLIC COMMENTS/ANNOUNCEMENTS**

No comments or announcements made.

### **DEPARTMENTAL BUDGET HEARINGS - JOINT MEETING WITH FINANCE COMMITTEE**

- A. Administrative Department and Board of Selectmen
- B. Cemetery Department
- C. Town Clerk's Office
- D. Community Development (Building, Conservation, Health, Planning)
- E. Review of remaining Schedule for Friday, March 12, Saturday, March 13, and March 15, 2021

Mr. Ballantine calls on the Chair of the Finance Committee to bring the Committee to order.

Chairman of the Finance Committee in Harwich John Chorey brings the Finance Committee to order by roll call. Mary Anderson, Angelo LaMantia, Daniel Tworek, Dale Kennedy, Mark Ameres and Jon Troy all responded by saying aye by roll call, 7 of the 8 members are present.

Town Administrator Powers notes that this begins the annual review of the Operating Department Budgets for FY 2022 in anticipation of the Town Meeting. As the Board of Selectmen discussed previously Chairman Chorey, presented this evening several of the smaller budgets. More of the smaller budgets will be presented at the meeting next Monday. In between, the Select Board and the Finance Committee will meet jointly Friday, March 12th at 9:00AM and Saturday, March 13th at 9:00AM for the remainder of the budgets and the bigger budgets. He is ready to answer questions and/or defend the budget of the Administration Department and the budget for the Board of Selectmen. He is aware that Robbin Kelley is here on behalf of the Cemetery Department. He and Carol Coppola the Finance Director are ready to answer questions on behalf of the Town Clerk who was unable to attend. There are members of Community Development here to discuss their budgets as well.

Mr. Ballantine comments that these meeting have been held in past years in various ways. The last several years it has been an all-day session at Town Hall with all Department Heads coming in and apprising the two committees about the needs in their departments so the Board could consider those before the budgets are finalized. Due to this being an unusual year, some Departments will be done tonight, another batch on Friday and another few on Saturday and completing on Monday. These are ongoing discussions. Mr. Ballantine appreciates Department Heads and people offering to come in on

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evenings and Friday and Saturday mornings. Town Administrator Powers and Carol Coppola put a detailed budget together. The school budgets dropped about \$157,000.00 which is moving in the right direction. There was discussion going forward on the Elementary School but that is a separate discussion. That is a positive aspect of the last budget they have seen.

Town Administrator Powers notes the first document is the Sources and Uses page that says the Town Administrator's Proposed Budget, a one page sheet that is a recap of revenues and projections, broader information on Local Receipts, the traditional layout and discussion of the departments as it relates to salaries and wages and expense lines and lastly details taken from Munis, the fund accounting software which is the most in-depth snapshot they can give. Ms. Coppola's mega book is available on the website. It has an abundance of information for anyone looking for more detail.

Mr. Ballantine asked Town Administrator and Ms. Coppola questions. The estimate is a significant increase in the home, motel and meals taxes. He takes that as a sign that they expect the economy to pick up and be a much stronger year and he assumes that Ms. Coppola is comfortable with that. Also there is a large increase in Free Cash.

Town Administrator Powers responded to the room's excise, hotel, motel, short term rental and meals. Yes they are looking at a significant increase where we have a bucket of money but keep in mind that is in comparison to years that were impacted by COVID. We did see a significant increase in short term rentals. If you look at the comparisons on what they are projecting for revenues, you have to go back two years to get the full picture. They looking for an expectation of some return to normalcy in the numbers that we generate locally. Regarding Free Cash, during the height of the pandemic they took extraordinary steps to curtail spending. They instituted an immediate hiring and spending freeze. Those were not lifted until right before the annual Town meeting in September.

Ms. Coppola is happy to take a deep look into Free Cash if that's the request. She also reports that in FY 2019, before the short term rental came into effect, the hotel/motel traditional lodging excise tax was under \$700,000.00. That is what is budgeted for FY2022. They were trying to be conservative. You'll notice in the documents before you, FY 2020 the traditional lodging and short term rental was just over \$900,000.00. They are remaining conservative in their estimations but they were aggressive in FY2020 vs FY 2021. The Free Cash that was certified was a much higher number because the prior year's Free Cash typically is appropriated and used in May at the Annual Town Meeting which didn't happen. So that increased the Free Cash as well as the spending and hiring freeze that occurred in the 4th quarter of FY2020. She does not believe we'll see those numbers moving forward unless the Board takes some measures to ensure that those numbers remain was high.

Mr. Howell states for the public, Free Cash isn't free. It's the leftover from what wasn't spent in the prior year. Since it was more than a year, it's jacked up. Secondly, it's a mistake to take a onetime hit money and try to fund anything as continuing operations out of it. It's tempting to look at this as something that we've built up but it isn't, it's a one-time snap shot that looks like we have a bucket of money because of a certain set of circumstances. It isn't going to repeat itself. The projections are for more robust receipts based on the tourism this summer. Both the Town Administrator and Ms. Coppola were conservative in generating those numbers. It's not like the dawn of a new era that we've got a whole bunch of money that we can spend.

Mr. MacAskill asks Town Administrator Powers if he and Ms. Coppola are meeting with the school on a regular basis.

Town Administrator Powers responded that they have their monthly meetings, what they call the Monomoy Finance Group that met two weeks ago. Separately from that he and Jill Goldsmith met with



their respective councils to have a deeper dive on the alternative assessment and the issue with that. The School committee is scheduled to certify their budget number Thursday evening. The school budgets will be on the agenda Monday the 15th for further discussion. Mr. MacAskill asked, on the school budgets coming before the Board on Monday, is the school going to present those budgets?

Town Administrator Powers replied that he hasn't confirmed with Dr. Carpenter. He intended on taking their numbers and if nothing else, having that available for discussion by the Board. He will reach out to Dr. Carpenter and Chairperson Games to present on Monday. He just wanted to ensure that the Board had an opportunity to react to the School Committee's action Thursday evening.

Mr. MacAskill commented that it has been brought his attention that the school purchased a half a million dollar reading program and he's like to confirm that. It's also been brought to his attention and he'd like to understand more about the new canine program at the school. He would also like to understand the reallocation of the school officers that haven't been going to school. Is there any savings, any turn backs, anything that's coming back to the town of the not using the school resource officers this year. He will send an email with those questions to the Town Administrator and the Chairman to distribute so as not to break open meeting law.

Chairman of the Finance Committee Jon Chorey asks, if there is a spreadsheet regarding Free Cash and Local Receipts.

Mr. LaMantia expressed surprise at the first numbers on page one. A number of times during the year the Selectmen had meetings where they discussed either trying to hold the tax levies the same from one year to another or just go up 2% or so. The first number he sees is a tax levy of 4.3% increase. He doesn't imagine that is done without raising taxes to the individuals and he thinks it's a difficult thing to do this year. As in other years, it can be very hurting in the Town Meeting. He wonders where the Selectmen are on that and if they want get back to two and a half. As we go through the other items that are going on, we're going to have to remove them somehow. Or are the Selectmen saying that they want to raise the taxes by that amount?

Mr. Ballantine responds that they have always talked about level funding vs meeting certain contract requirements.

Mr. MacAskill commented that he thinks this requires an answer from the Town Administrator who presented the budget to the Board and when they referred this to the Finance Committee the Board was not supporting it, they were not voting the final budget. His number is still 2%.

Town Administrator Powers responded, relying on the Finance Director for input on the tax levy limit. In Massachusetts we are capped to the 2 1/2% but also knowing that there have been exclusions over the years there may be impact on that. Down to the center of the page, line 15 says Town Operating Budget. The directive of the board of Selectmen that he and the Finance Director carried on to the Department Heads, shows the increase in the budget of a fraction of a percent. As you go through the Town Operation Budget which begins on page 8, in most instances of the Departmental Operating Budgets, they are at 0%, if not under. Instances where they are not, is where the action that they would take on that budget have effected a collective bargaining responsibility and would have caused reduction in force that would have impacted certain departments. He has advised the Board and the Finance Committee as he presented that, the operating budgets being presented are in accordance with the Board's directive. It is level funded first and in the instances where it cannot be level funded because of fixed or semi fixed costs, it does not exceed 2%. Regarding the tax levy limit as it relates to real estate and personal property, he is not skilled enough to get into all the particulars but it remains a fact and a true statement to be that



the items on the Operating Budget that you're going over this evening are in most cases level funded. In all cases but 3, less than 2%.

Mr. LaMantia sees those numbers but asks why those extra funds are needed if we're covered and everything's fine? Where is the money being spent? Is it going into a bank account? There is a difference and he assumes the property, because of the value of the houses, have gone up without changing the taxing item that may be defined. But it's still 4.3% and he would like to know how you get it back down to where it is supposed to be.

Mr. McManus addressed Ms. Coppola. The real estate and personal property taxes change of 4.4% that increase would be made up of 3 things. One is that the whatever allowable portion of the 2 1/2% levy increase that we took to whatever new growth we have which could come in at a percent or a percent and a half. What also impacts that percent increase is any new or additional revenue being raised from the levy to pay for bond indebtedness. He is assuming that is how we wind up getting to the 4.4% change.

Ms. Coppola responds, that is exactly correct. We start with a base levy limit which is the same as it was for FY2021. There is a 2 1/2% levy increase, there is a growth factor making an assumption of using \$400,000.00 for growth. There are a number of excluded debt items between the Town, Monomoy Regional School District, and Cape Cod Regional Technical High School. The Cape Cod Commission is the assessment that the Town receives on an annual basis is also added into that to come to the total of the 55.6 million dollars. That is exactly how the calculation works. We start with that basis and any changes of course that the Board of Selectmen would like to see to those, we can make adjustments as necessary or as directed.

Mr. Ballantine commented, that's the better discussion overall is that, is it a good assumption that we move to two and a half percent or should we be looking at less? That's a discussion that the Board has to have.

Town Administrator Powers refers to a previous statement. He does not want the statement that "we're ok and everything is fine" attributed to him. He has not made those statements and wants to be clear. This was not an easy budget process, it is not an insignificant feat for the Department heads to come in as they have where their budgets are at zero or less than zero. That has not been the case in recent history and it does comport with the Board's directive. We are still battling with the dichotomy of our budget. It's a statement of our priorities while trying to remain in a livable town for the taxpayers. What you have presented meets the directives of the Board Selectmen as presented by their budget message and represents significant decreases in the operating budgets of the departments.

Mr. MacAskill adds that he understands Mr. LaMantia's question. Now we understand how we got to the 4.3% but he's not sure that 2 1/2% really was the goal when the Board created their budget message. The budget message was, no more than 2%. The Board didn't specifically say, based on taxes or the tax levy limit as well, 2% was their number. He reiterates what he has said before, this is a great proposed budget but this is not the final budget and there is still time to tweak some things. Town Administrator Powers did exactly what they asked him to do on the department budgets. There are the budget items that weren't at 0% and went up to the 2%. Those would have affected employment and also would have affected town services. The town voted these services and they are not ready for the Board to take them away yet. Part of those budget increases in those departments was so they were not affecting those services. He also points out that the school budget is almost equal to our budget or over our budget overall. The school needs to play on the same field that we're playing on. The Elementary School is one component of that \$550,000.00 minus what was mentioned tonight, \$330,000.00 is still too high. He hopes that we continue to drive that home. Our departments and the town side are feeling some pain on the way as they have created our budget. They need to as well.



Mr. Howell notes that all of these constructs that are external to us such as regional agreements, they are top line bills. They have to be paid before we can get into the town's budget. The nut of the problem is that we haven't solved the dilemma that we are in with the school. We only get to spend what's left over after what's assessed.

Mr. LaMantia refers to Mr. Howell's knowledge on this subject and refers to a previous situation that cause a problem. He questions if everything that is listed in all areas have to be done or we find money here and there that doesn't have to be spent.

Mr. Howell explains that there is no override involved with this. This is not the final budget and we are at or below zero on a lot of services. There comes a point when you can't make up for a bill that you received from the Tech School without it impinging on the rest of the town.

Dale Kennedy thanked Town Administrator Powers and Ms. Coppola for all their work. Typically he goes through the statement, he looks in the right hand column for the percentage change. He refers to the Local Receipts on page 2 and asked for an explanation on the increase of golf receipts from golf operations and beach, recreation and youth for FY2022.

Town Administrator Powers responded regarding to beach recreation and youth. He suggested to look not necessarily year over year but year over prior year. Where it's an increase from the past year, it's actually a decrease in the full, normal year we had. It's an increase from last year but it's a conservative estimate based on previous years. They remain cautiously optimistic. They are hopeful that we'll see the level of activity that we saw in beach recreation and golf last year. Looking at golf operations, the 1.8 million is really comports to where they were 2 years ago. This was a late change to the revenue estimates, it was one of the budget savers last year. There is no indication that golf is going to let up. It's a perfect activity to do when you have a pandemic because you can spread out and you can be outdoors. What they've estimated is an increase in local resident golf fees, local increase in the memberships that were purchased year after year, the increases and changes in golf carts and things of that nature. Although it is an increase it is still relatively conservative compared to past years.

Mr. Kennedy notes that the 1.8 million compared to FY2020 is a significant increase over 2020. Last year as a member of Cranberry Valley, he had a tough time getting a tee time. It appeared to be over capacity, he was continually on a wait list. He's wondering how we can add almost \$200,000.00 to the revenues if we seem to be operating at capacity.

Mr. Coppola points out that she started with estimated receipts and she mirrored FY2021's when she began this process. Then there were numerous conversations with the golf director in regards to the increase in rates that have been established for the upcoming season. In addition there were numerous conversations about where they were estimating revenues to combine for FY2022. They truly believe that the 1.8 million is too low. She was unwilling to go to 1.9 million or higher, this was a compromise and she believes the department is going to come in strong on revenues for FY2022. They've already sold 390 memberships which is more than double over the prior year. They have made improvements to how tee times are being booked and we can trust these numbers.

That concludes the Board members questions.

Director of the Cemetery Department Robbin Kelly states that the salaries and wages remain the same as last year. She offered a correction, she put in the actuals for subscription and travel in a line item of \$1,886 and it should be \$1,276. Last year they started taking her travel out of the revolving account, If we could reduce that line item, the total budget would be \$7,642.00 which is a difference of \$610.00.

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Referring to one of the dues, subscription and travel, on the report it went up by \$47.81. By taking out the \$610.00 it'll be the exact same as the year before. The total increase in the budget from last year to this year is \$32.82 which would be for the water utilities.

Mr. MacAskill commented on the great job that Ms. Kelly did and notes that there have been requests denied in the past and he appreciates her being a team player helping us get over this hurdle. He mentioned the looming half times positions and Ms. Kelly not being able to take a vacation. Ms. Kelly formerly worked in the DPW which does all the maintenance for the cemeteries. He views her in that building where they have an administrative staff that can answer the phones when she is away. He hopes to have future conversations regarding a part time position for the Cemetery Department. He's not sure it makes sense to grow the Cemetery Department when he believes there is enough staff to handle what Ms. Kelly has asked for.

Town Administrator Powers responded. He recognizes that Ms. Kelly is one of a handful of single person departments and Assistant Town Administrator Eldredge and he are working with all of those department heads to ensure that as they take time off that they have earned, they stand ready to support them. In the short term none of the single personal departments have to have that as a consideration. He would welcome that discussion on a go forward basis. There are opportunities to reorganize and achieve the same result without doing add to staff.

Mr. Howell agrees that we need a creative solution, we don't need to add more staff.

Mr. Chorey congratulated Ms. Kelly on her awarding of the arboretum certificate on the national wide basis.

No further questions

Town Administrator Powers indicated that the Town Clerk has unavoidable schedule conflicts and is not able to present. He and the Finance Director stand ready to answer any questions. He directs to the expenses line item. It is true that there is some savings there because of the election schedules. We are further aided by new hires and their savings and salaries and wages as well.

No questions

Town Administrator Powers notes that Building Commissioner Raymond Chelsey, Conservation Administer Amy Usowski and Interim Health Director Meggan Eldredge are present to answer any questions regarding planning. They have advertised for a Planner. That is underway and in the works and hopefully that search will be completed quickly, there is a planner on the horizon.

No questions

Mr. MacAskill asked to circle back and Ask the Town Administrator, on the Administration expense line, we've gone from \$75,450.00 to 2 years consistent, then to \$85,000.00 and \$97,000.00 and then to \$120,000.00 this year with a 23% increase. What is going on with our expenses in administration that warrants that increase? Where is the money going?

Town Administrator Powers replied directing their attention to Program and Technology which is in Other Programs and Technical Services. There were many instances where the item that was seeking to be procured was sufficient funding for the acquisition of the materials, the product or the service but not for all of the related expenses. They need to have money set aside whereby the project or the procurement is not stymied because they didn't account for the costs related to the procurement itself.

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There is some design work that needs to be done to further develop the scope of services for the product description, if there are costs related to the RFP if that's legal, advertising or otherwise. It's meant to be a stop gap measure in the hope is future fiscal years, FY2023 and beyond. What they're seeing from procurements that result from Capital or Community Preservation fully encompass all of the costs related to the procurement. The best example is, while they deal with the procurements on the Brooks Park lighting and the Whitehouse Field lighting there are significant dollar amounts in the hundreds of thousands that Town Meeting appropriated either through Capital and or Community Preservation wasn't sufficient to actually do the procurement itself. The due subscription trade and others is to make sure we can have many more people go through procurement training. It's also his contractual benefit of his membership in the ICMA.

Mr. MacAskill confirms that we can expect that to level out at some point.

Town Administrator Powers replied absolutely and on the other Programs and Technical Services, he has talked many times to Finance Committee of how he and Ms. Eldredge will be meeting with department heads, chairs etc. after the conclusion of this Town Meeting to take up the discussion on how we build our Capital and Community Preservation requests to make sure they are accurately covering all costs related to procurement. He is hoping that that line item goes down because it becomes a routine and a discipline that's added into those projects requests going forward.

Conservation Administrator Amy Usowski notes that the Conservation Department prides itself on operating as leanly as possible. They were able to reduce their budgets and have a negative proposed. Looking towards the future, a lot of the services that they had to cut because of COVID and they are hoping to be able to bring those back.

Interim Health Director Meggan Eldredge refers to the budget in the packet which is quite a bit lower than it would have been a month ago due to salary and wages that have changed. The Health budget is a few percentage points lower than last year's budget. The department has adjusted their expenses because of virtual meetings that she believes will stay in place. The new subscription and travel expense line has been cut quite a bit because of that. Overall the budget has decreased because of personnel changes in reduction in salaries and wages.

Building commissioner Raymond Chesley reports that they are still experiencing a large volume of building permits so they see revenues coming in to reflect that. Building and real estate activity is very high. They were understaffed for a long period of time. They are now fully staffed and expecting a very good year in 2022 as far as the Building Department is concerned. For 2021 they are below budget and above revenue forecasted.

Town Administrator Powers refers to the packet and the proposed remaining schedule. Assistant Town Administrator Meggan Eldredge spearheaded the effort of scheduling and coordinating. There is a meeting scheduled Friday at 9:00AM and there will be representatives from the Recreation, Counsel on Aging, Public Works, the Community Center, Youth Services and the Fire Department. Saturday at 9:00AM attending will be Golf, Harbor, Natural Resources Channel 18, Water Department and Police Department. And then next Monday evening will be Finance which is assessing, accounting and tax collection, information technology, library and engineering close out discussions. This list is indicative of the departments of years past. If this schedule is agreeable to the Board and the Finance Committee and if so it will be posted.

Mr. Ballantine asked Board members and there no objections to the schedule.

Mr. Chorey asked if they needed a quorum for these meetings.

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Town Administrator answered that a quorum was necessary if the Finance Committee wanted to take any actions relative to a budget being presented. He corrects the record saying that when he went before your body last week he did ask as the dates and times were certified with the Board when they had discussions with Mr. Chorey.

Mr. McManus commented that in as much as these presentations are meant to be more informational than material that we take action on, we are recording all of these and they can be brought up on Channel 18 to be played at somebody's leisure if they can't attend a meeting. Given that the department heads set their schedules to be available, we should move ahead with them.

Mr. Chorey did an informal poll, all are available except Mr. Kennedy who will not be available the 12th or 13th.

Mr. MacAskill suggested to Mr. Chorey that if he has members unable to attend, they can send questions that he can ask on their behalf.

Mr. Chorey closed the meeting with a roll call vote, unanimous, meeting closed.

#### **CONSENT AGENDA**

- A. Vote to approve the Town Administrator's recommendation to grant permission to Verizon New England and NSTAR Electric Company D/B/A Eversource to install one(1) J O Pole 186/32 3/4, on the southerly side of Long Pond Drive at the northeast intersection with Yankee Clipper Way, and to maintain poles and their respective wires and cables to be placed thereon together with anchor, guys and other such sustaining and protecting fixtures as said Companies may deem necessary and as indicated upon the plan marked - VZ N.E. Inc. No MA2020-59

Mr. MacAskill moved to approve the Town Administrator's recommendation as presented, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. Howell, Mr. MacAskill, Mr. Ford, Mr. McManus and Mr. Ballantine voting aye by roll call.

#### **NEW BUSINESS**

- A. Discussion and possible vote -Town Administrator's presentation of draft warrant for 2021 Annual Town Meeting (Revised 03/05/2012 8:30AM)

Town Administrator Powers explains that what is in the packet is the latest but not final draft of the 2021 Annual Town Meeting Warrant scheduled for May 8th and reviews the index that he provided at the head of the warrant. He brings attention to requests that were a carryover from the last Town Meeting. On the first page of the index are some standard returning items, 9 articles that relate to Capital Outlay and approximately 13 articles related to Community Preservation. On the second page, article 32 is a potential article for the Board to consider changing the name of Board of Selectmen to Select Board which would affect an amendment in the charter and result in changes within the charter to make reference to our Executive Board as gender neutral. There is a proposed amendment as Administrator for the Board's consideration on behalf of the Capital Outlay Plan to correct some of the errors that were perpetuated in 2019. The third page has an article proposing to amend the town seal and more traditional articles. He says that when he reconstitutes the draft that they will see next week, he'll pull out several articles that the Board can debate the merits on and then make determinations if you're willing on the inclusion into the



warrant. He is willing to have any items of particular note identified separately on the agenda for next week for the Board.

Mr. Ballantine would like to have further discussion on changing the name from Selectmen to Select Board. We are probably one of the few towns that hasn't made that move yet. He feels it's worth serious consideration. He would like to debate it in more detail. He also asked to put on the slight revision to the town seal to consider. Mashpee did it very slowly, what they voted on was not to take an action but to refer to a committee to look at what the possibilities are and what the process is. There is a lot of historical significance. He has been told by folks that the teepee we have is not appropriate for this are of the country which can be offensive to some. It's a long process but we need a discussion on that. We certainly need to bring back the idea if we want to explore it to take that to Town Meeting before anything is done.

Mr. McManus commented on articles 1, 2, and 3 which are customary articles, he's not sure they're boilerplate. We have had at different times in article 2 various committees stand up and give reports on their committees. And article 50, he thinks there is a typo in the amount.

Town Administrator Powers will make that correction.

Mr. MacAskill reiterated his concern that there will be fewer people at Town Meeting than normal. COVID-19 is still real, people are reluctant to gather in crowds. We have proposed dates of May 8th and 15th. He sees no urgency to add things to a warrant, to prolong a meeting with less capacity than we have to or should have. It's a complete disservice to the taxpayers in the Town of Harwich that are uncomfortable going to Town Meeting, to put on items such as changing the town seal. Creating a debate like that on a year like this would be irresponsible of the Board. Changing zoning was done last year and there was quite a backlash of people who didn't understand what that zoning change was. He believes that backlash will follow through because two of these zoning changes relate to that same project. He suggests we bring only the customary things and the budget before a limited group of people, 200 out of 10,400. He also asked that they take zoning changes and add them to the ballot. We still need a legal opinion on that. Regarding Select Board vs Selectmen, looking at how the term came up, it was never to exclude women. It's been noted that we need a change but it's also been noted that based on our charter, several things have to happen for it to change. There is also a cost associated with it and we haven't talked about this all year long. There is a financial cost to changing the name and the state doesn't recognize Select Board. There is a list of things that need to be explored before we change the name. He questions why we would bring another controversial thing, without all the facts, before Town Meeting. He hopes Town Administrator Powers is taking notes because the way the agenda item read, it made sense to him to discuss some of these tonight. Article 17 says, \$50,000.00 for a roof on a building that later on in the warrant on article 42 we are going to vote to sell. He does not think that makes sense. Regarding the funds for Bank Street to make handicapped walking trail (which is a great idea) but we haven't taken selling Bank Street off the agenda, it hasn't been discussed yet. If we sell Bank Street as Town meeting said we could, he questions why we would create all these trails if there would not be anywhere to park the handicapped van. He suggests they make a decision on Bank Street before they give money for handicapped walking trails. He feels that zoning articles, 38 demo delay by law, bringing back the Conservation Article that they all voted down last year because of public participation, lack of conversation and Board meetings, changing it from a 50 ft. to 60 ft. buffer, we never had these conversations. He asked if they will all be crammed into the next 60 days and then bring them before a limited Town Meeting. We as a Board should be bringing the absolute minimum to the 200 or 250 people that might show up at this Town Meeting. We should educate from this town meeting on and put these important things that we talked about last year, on the following year's Town Meeting. We are not going to have a large group and the Board is bringing important things before a Town meeting and he feels it's irresponsible. He asks the Board to consider the fact that it's a limited Town Meeting and they know that.

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It's an outdoor Town Meeting and if the weather is bad it could limit it even more. We only have 60 days to finish the budget and the warrant.

Mr. Ballantine commented regarding the 2 items he mentioned tonight, at the time he brought them up they didn't know they were going to be moving to an outdoor meeting. He agrees they shouldn't add more than they need to. Regarding changing the name the Board of Selectmen to Select Board has been done by other towns without much effort. He is unsure what all that entails. He does not object to moving that back but at some point we need these discussions.

Mr. MacAskill agrees but the Finance Committee's motion last year was very specific as to why they didn't support it and they didn't support it because of a name change. Whatever the Board is called, there are state and charter implications to it and they still have not discussed it. There is no crime to educate the public on where they stand with this other than a vote. He suggests they wait until after Town Meeting and really work on these things.

Mr. Ballantine clarifies that, regarding the seal, this was only supposed to be the start of the discussion.

Mr. Chorey directed a question to Town Administrator Powers. He requested a pdf of the draft overview and the draft warrants be sent to him so he can forward them to his Board members. There is not a lot of time left to debate.

Town Administrator Powers will send the requested information. He feels the warrant will be an ongoing effort as in years past, until it's closed and signed at the end of the month.

Mr. Ballantine asked when the Board would start taking action as to whether or not they support some of the items.

Town Administrator Powers encouraged the Board to start doing that on the 15th. There are no Petition Articles beyond the customary.

Mr. McManus commented that the 2 customary Petition Articles, on promoting the Town of Harwich and support for the private libraries, neither of those came in by petition and are being inserted by the Town Administrator.

Town Administrator Powers says that is correct as well as local counsel and what he has asked is that he would like to present these as Town Administrator in partnership with those groups. He will explain when this comes before the Board formally.

Mr. McManus notes that when he was first voted to the Board of Selectmen, these petitions were routinely submitted, inserted by the Selectmen until a couple of Selectmen opposed the funding article for the private library. At that time they started submitting those articles by petition to ensure they got their say in front of Town Meeting.

Mr. MacAskill commented, that is what the Board should go back to, by a vote of the Board. There's no question of the value that the Chamber of Commerce brings to the Town of Harwich, especially under the leadership of Cindy Williams and how many hours she works. He also doesn't know any who would vote against the libraries. Those two articles should go back to not being Petition Articles.

B. Discussion and possible vote to postpone the date of the 2021 Annual Town meeting to Saturday March 8, 2021 at 10:00AM at the Stadium field at Monomoy

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Regional High School at 75 Oak Street with a Rain Date of Saturday, March 15, 2021 at 10:00AM at the same location.

Town Administrator Powers spoke in regards to delaying the Town Meeting, the motion in the article was provided by counsel. The Board has the right under MGL c39 s9 to delay a Town Meeting but not beyond June 30th. By working with the Moderator and the Clerk and confirming the availability of the field, the two dates in question were set. The rain date is on May 15th because it would not impact upon Mother's Day.

Mr. MacAskill asked for clarification on the motion in the packet is pursuant to MGL c39 s9 why not the postponement part of it is. In the memo line re: vote to postpone 2021 Annual Town Meeting to Saturday May 8th.

Town Administrator Powers replied that he would like to defer to counsel as he tried to copy and paste from Attorney Giorgio's memorandum on the question.

Attorney Giorgio replied to vote to get the date for the Annual Town Meeting as May 8, 2021 with a rain date of May 15, 2021.

Mr. Howell suggests that they're still going to have to cite the state authority to do that because this is in our charter.

Attorney Giorgio replied that he generalized c39 s9 to set the date for the Annual Town Meeting.

Mr. MacAskill moved, pursuant to MGL c39 s9 that the Board of Selectmen set the date for the 2021 Annual Town Meeting as Saturday, May 8, 2021 at 10:00AM and further to establish a rain date if necessary on Saturday, May 15, 2021 at 10:00AM to be held at Stadium Field 75 Oak Street also known as Monomoy Regional High School. 2nd by Mr. Howell.

Mr. Howell pointed out that he has done many fundraisers through the years in May. This is going to require a higher power because May is our monsoon season.

Mr. Ballantine noted that this does not affect the day they vote.

Attorney Giorgio emphasized that the Board cannot change the date of the Annual election. It has to be provided for in the charter.

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

C. Discussion and possible vote - proposed article to allow a 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 notes that Attorney John Georgia is here to discuss this proposed warrant article. The general language was offered by counsel and the article was not yet placed the draft pending this discussion with the Board.

Attorney John Giorgio states that this is a request from a utility company to acquire an easement for the installation of utility poles. The warrant article has been drafted. The easement has to be approved by

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Town Meeting which will authorize the select Board to grant the easement. This is a fairly standard article and it would be pending approval of Town Meeting.

Mr. MacAskill respectfully asked the Board to postpone this or bring it back next week. He had requested to know where this lot is, how much its worth, is it buildable, none of the information is in the packet tonight. When they have that information they can make an educated decision on and he would be willing to vote on it. Until then, it seems irresponsible not to show the public where this lot is, what size it is etc. To have this conversation without that information is not fair to the public or to the Board.

Town Administrator Powers notes that he did reach out to Attorney Giorgio's colleagues at KP La. He does not have access to any significant material other than what was provided this evening. He understands that they will be getting more material as it relates to the attorneys at KP Law. He does not have a complaint with the objections raised.

Attorney Giorgio will follow up and get that information.

Mr. MacAskill asked why we would need an attorney and attorney's fees associated with, to look at what the lot is, how we acquired the lot and the value of the lot. He asked if we could get that information from our Assessor.

Town Administrator Power's responds that it has been his understanding that this has been a matter of negotiation and discussion for several years, the extent of which he is not aware of and couldn't speak to. He has no objection to getting the records the Town has, what he is trying to convey is that he can't speak to this issue, it precedes him.

Mr. McManus states that the map of the parcel on most of these easements and the ownership history has always been provided by our Town Surveyor which we no longer have. Possibly our Town Engineer or Town Planner could pull this information.

Mr. Howell states that in past years they have gotten to the point where they felt that it was sufficient to be able to give the Board of Selectmen the authority to negotiate out a final conclusion. He is adamantly against that kind of thing, about the Board conveying land ownership rights or easements. He is a proponent that if you're going to give up something you need to let Town Meeting know what they're giving up to get what and it's got to be explicate. He refuses to vote for something that grants the Board authority to do something the Town Meeting should hear itself.

Mr. Ballantine agrees, there will be no vote tonight. Town Administrator Powers will gather the requested information.

Attorney Giorgio will contact Verizon to get the easement plan.

Mr. McManus' understanding is that Verizon needed that easement to bring fiber optic to the Cape and now they are not doing that. The general public isn't going to get the benefit of having an additional layer of competitiveness for cable and information services and he questions why this is being considered.

Mr. MacAskill adds that the word permanent is permanent and how we got this lot, is it valuable, is it sellable, is it usable, these are all very important to Town Meeting.

D. Discussion and possible vote - New 2021 Annual Lodging House License -  
SICEAMP, Inc. DBA the Tern Inn - 91 Chase Street

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Mr. MacAskill moved to approve the new 2021 Annual Lodging House License SICEAMP, Inc. DBA the Tern, 91 Chase Street, 2nd Mr. Howell. The motion was approved 4-0-0 with Mr. McManus, Mr. Howell, Mr. MacAskill and Mr. Ballantine voting aye by roll call.

## **OLD BUSINESS**

### **A. Ongoing discussion - Comprehensive Wastewater management Plan (CWMP)**

Town Administrator Powers offered a brief update on CWMP. They were able to resume the quarterly Chatham IMA Advisory Group meetings one year after the last meeting. He was joined by Chairman Ballantine and our Wastewater Superintendent Dan Pelletier for a productive discussion.

Dan Pelletier, Wastewater Superintendent reviewed some items discussed at the meeting. He asked targeted questions, one specifically as to whether or not Chatham will take flow from other parts Harwich or will they take if we don't use the 300,000 gallons that we've purchased. What Chatham relayed at the meeting, they would be willing to take flow from within the Pleasant Bay Water Shed and also within the Great Sand Lakes area as those were already existing and written into the IMA. Any flow request beyond those areas, they would want to take back to the taxpayers as there was some debate at the time when the IMA was developed as to where the flow is coming from. Also, if we don't generate the 300,000 gallons of flow, what are the provisions there? It was unanimous in that the buyback provisions that are in the IMA are in there and would be applicable to that situation as well. Also discussed was the topic of contract operations and expanding upon Wesson and Sampson's role in Chatham to oversee the collection system here in Harwich.

Mr. MacAskill asked if the meetings were open or were they just reciting the contract that we have and the negotiations that we had before? If we buy back or don't use 300,000 gallons, he thinks Chatham would be interested accepting wastewater for a profit from another part of our town.

Mr. Pelletier responded that they are open but the way the IMA is set up, there are certain things that the inter-municipal group can do on its own and there are things that they would not feel comfortable doing on their own. They are not saying that they won't take it but they are saying if we did want them to take flow from a different part of town, they would want to get approval from their taxpayers.

Mr. Ballantine commented that it was a good discussion, they are willing to work with us on flows, they acknowledged that we are going through computer modeling as to what our flows are, to update our estimates. They'll work with us on long term timing. There are things they can do within the framework and other things that they'd need to bring back to Town Meeting.

Mr. MacAskill commented that he doesn't want to miss an opportunity to let the taxpayers know too that our engineer grossly overestimated the flow from East Harwich based on what we're currently doing there. Until that engineer comes back and explains that they made a mistake or that there's a potential of this 300,000 gallons we're only going to hit 125,000 maybe 150,000 if we do contract 3.

Mr. Pelletier responded that there was discussion regarding the milestone payments and where we're going to be initiating flow in some of those milestone payments are looking like they may be stacking where they weren't really intended to. They talked about discussing this further once they get a better understanding of what the flows in East Harwich are so they can better lay out those payments.

Mr. MacAskill expressed his gratitude to the two of Chatham for having those conversations with us because this certain wasn't their mistake.



Mr. Howell doesn't want be cryptic about it, the public isn't going to be able to read this in code. He understands that the past engineer that was involved in this particular thing is still the engineer that we are using on other things, CBN Smith? Is that correct, for the record.

Mr. Pelletier answered that the 300,000 gallon flow that we purchased was based upon the CWMP with information provided by CDM Smith.

B. Discussion and possible vote to authorize renovations with The Arts Center - 265 Sisson Road (8:30AM, 3-5-2021 the building name that is requesting renovations and address was changed)

Town Administrator Powers reviewed that the Arts Center made contact with the town that they were looking to have repairs made to their floor. At the time we weren't able to locate the existing agreement between the parties. He now has that agreement which is in the packet and he highlighted relevant topics. He reached out to Ms. Harper at the Junior Theater. In the requirements for repair and maintenance by the lessee they have to provide plans and specifications to the Board of Selectmen in advance of any of the work and then the Board has to determine if the work is appropriate and attractive.

Tammy Harper of the Harwich Junior Theater was on earlier and she gave a statement Mr. Ballantine to read. Her note stated: The current floor of the Arts Center is in the front room of the bottom floor facing the parking lot has reached the end of its life. It poses a risk for our students. In pre-pandemic times we used this room for classes, auditions and to hold rehearsals. We received a grant from a local foundation to cover the cost of replacing the floor and we have been waiting for approval from the town to move forward with this project. We want to do it as soon as possible so we can start to resume programming there. We hope to have our youngest students in the Art Center for classes this summer.

Town Administrator Powers suggested that before anything can take place, the Board is supposed to receive their plans. We had asked if they're going to submit their plans. He points out, not knowing what they were talking about in regard to their floors, he draws attention to page 28 of the agreement which is the maintenance and repair responsibilities for that building. On the list under Interior you can see that the tenant bares all the responsibilities for the interior work except when it gets to reimbursement of reinforcement of floors to meet building uses and that's the responsibility of the town. He was hoping to have a broader discussion to determine what is being requested, who's responsible for it and then for the Board to make any decisions.

Mr. MacAskill states that the Arts Center doesn't exist in the lease agreement, it's the Harwich Junior Theatre. We have to update the agenda item so it reflects what the actual lease is. Second, reinforcement of floors and replacing flooring are two completely different things and he would argue that but couldn't until they produce the plans. He doesn't think either side has properly enforced its responsibilities in the lease agreement. But in this replacing flooring is not reinforcing flooring. We need to see the plans and he asked if the Arts Center is what they're going by, we need to update the lease. The insurance refers to the Art Center and not the Junior Theater. The topic on the agenda needs to change based on what was given tonight.

Mr. McManus notes, to the structure of the flooring, there are 2 main classrooms on the downstairs. Under one of the classrooms is a previous CPC article and they replaced the foundation under that wing of the building placing a full basement, new structure and support under the floor joist. It would have been brought to code at that time.



Mr. Howell commented that he loves the Junior Theater and has been involved in it since the early 90s and has been in that room. It's also represents a one room school house for the village that it's in. We need to see a plan to be sure it's consistent with the building.

Mr. Ballantine states that we'll bring this back once the information is gathered.

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

Town Administrator Powers reported that Laurie Moore of the Harwich Historical Society has reached outbid mail. The Historical Society is interested in conducting a fundraising walk that begins and ends at Brooks Academy Museum later in the spring, 2 weeks after the Town Meeting date. He believes that the purview of talks has to be confirmed by the Board and worked with Public Safety. This can be vetted and in front of the Board again to see if we can partner with their Historical Society for their fundraising efforts. They are also willing to offer their site as a small wedding venue in the future. He also states that he will be working with Selectman McManus, Town Engineer Griffin Ryder, Bob Young and property owners within Harwich Center as they begin the necessary work to spend money that was earned in the Shared Streets Grant. He is also thrilled to announce that he has hired a Director of Public Health. This individual comes to us as an internal candidate. Some may know Katie Tenaglia, who is now Katie O'Neill. She did 2 very big things in 2020, she got married and completed her doctorate in Public Health. He is thrilled to name Dr. Katie O'Neill as our Health director for the Town of Harwich following in the wonderful footsteps of our Assistant Town Administrator Meggan Eldredge. Dr. O'Neill has her doctorate in Public Health to follow up on her Master's Degree in epidemiology. Her start date is scheduled for 2 weeks from tomorrow however he'll take the initiative to start looking for a Senior Health Agent. Report concluded.

Mr. Ballantine questions what the deadline is on the Smart Cities Program.

Town Administrator Powers answers that the funds have to be expended and/or returned by May 31st. Griffin Ryder and the DPW have already been strategizing on immediate impacts that can be made in leveraging these funds for the benefit of the center.

Mr. Howell notes that this is not an employee appointment, it's a department head and under the charter the Board has to confirm it. He's be willing to do that tonight but it wasn't on the agenda. He requests that it'll be on the next agenda and he'll bet happy to make the motion.

### **SELECTMEN'S REPORTS**

Don Howell, no report

Mr. MacAskill re-congratulated and gave a big thank you to Bob Young that has the Seal Pub, for his efforts in helping us get this grant. Also thank you to town staff and Selectman McManus for driving getting it done. As we progress into actual builds it would be nice to make some of the more visible changes to Harwich Center at the entrance to Rte. 124. He feels that is the biggest statement to visitors and people entering from exit 10 into Harwich Center. He also thanks the Board with their patience with him in the last month as it has been a great winter of travel for him.

Mr. MacManus reports that he had a brief conversation with Griffin Ryder and he's hoping to start the process of getting the stakeholders along Main Street working together to develop a plan for expenditure of the money. What's been approved is more of a conceptual plan, a lot of what they'll be doing will be done to share some of the streets with temporary structures that can be removed if they don't work out. The improvements to location and construction of the handicap curb cuts will be permanent. It'll give

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them a chance to try out configurations and see what the impact of those will be. A more permanent plan can then be implemented down the road. He feels they can make it the center of their community that they hope it can be.

Mr. Ballantine, no report

Mr. McManus moved to adjourn, 2nd by Mr. MacAskill. The vote was 4-0-0 with Mr. McManus, Mr. MacAskill, Mr. Howell and Mr. Ballantine voting aye by roll call.

Respectfully Submitted,

Judith R. Moldstad  
Recording Secretary

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