



APPROVED

RELEASED

MINUTES
SELECTMEN'S MEETING
REMOTE PARTICIPATION ONLY
MONDAY, MARCH 15, 2021
6:00PM (Executive Session)
6:30PM (Regular Session)

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

ALSO PARTICIPATING: Town Administrator Joseph F. Powers

CALL TO ORDER

Chairman Ballantine called the meeting to order at 6:00PM.

EXECUTIVE SESSION

A. Pursuant to MGL c 30A s 21(a) paragraph 3 to discuss with respect to collective bargaining for Harwich Employees Association (HEA) if any open session would have a detrimental effect on the town's bargaining position and the Chair so declares.

B. Exemption 6, the chair declares that this agenda item was not reasonably anticipated at the time of the executive session agenda posting. To consider the purchase of real property if the chair declares that an open session would have a detrimental effect on the negotiating position of the Board of Selectmen, and further, the chair has determined that this item was not reasonable foreseeable.

Chairman Ballantine reported on the Executive Session where they discussed the potential strategy regarding the Harwich Employees Association. They hope to bring it to a resolution shortly.

Exception 6 which allowed Town Administrator Powers to inform the Board of a potential building opportunity was not on the agenda.

The Executive Session was then closed and the Board moved back to Open Session.

WEEKLY BRIEFING

A. COVID-19 Updates

Interim Health Director Meggan Eldredge reported a slight increase in positivity since last week. This trend is happening throughout the county. Of the 911 tests administered in the last 2 weeks, 15 were positive. We've been downgraded from yellow to green which indicates that there are less than 10 cases per 100,000. The next color is gray. There are some new updates for vaccines. We've been approved to do a larger clinic at Cape Cod community College, the county has developed a consortium that is in conjunction with Cape Cod Health Care, Barnstable County, all of the towns on the Cape, Community Health Centers and support from Cape Cod Community College. They have established a large scale vaccination site at the college. It is an indoor site with a capacity to administer more than 715 vaccinations per day, 5 days a week which was a state requirement. They have already received a large supply and were able to do several days of more than 500. She encouraged everyone to sign up at barnstablecountyhealth.org. When a new clinic opens, they send out an email 24 hours in advance to let

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people know when sign-ups will happen. When you go onto mimmunizations.org to sign up, that site allows you to be put on a waiting list for CCCC. If all the time slots are full, the last option is to sign up for a wait list. If you get called, it can be last minute. Locally they are taking calls from people over 75 who are having trouble with the internet. Statewide they have started educator vaccination days specifically for this group. The dates set are Saturday, March 27th, Saturday, April 3rd, Saturday, April 10 and Sunday, April 11th at the 7 specific Mass. vaccination sites. The state has started to release town by town data on the number of people and age groups that have been vaccinated. The data will be released weekly as shown on the graph she shared. Harwich has vaccinated 79% of people 75 and older. Only 38% of 75 and older have been fully vaccinated. We still have 2/3 of our population that is unvaccinated. The travel order has been updated, the requirement to quarantine when you reenter Massachusetts has been lifted if you've been fully vaccinated more than 14 days. Testing is available at Cape Cod Health Care and Outer Cape Health. Our homebound and vulnerable population received a reverse 911 call telling them how to call if they need help getting a vaccination. Those who cannot drive can get on a list through the Health Department.

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

Cynthia Williams, director of the Chamber of Commerce noted that there are a few new owners of existing businesses. There is a new Bait & Tackle Shop in the former Sunrise Bait and Tackle There will be a socially distant ribbon cutting for them this Saturday. The Lanyard Restaurant is opening up this Wednesday, Saint Patrick's Day. New owners of the Tern Inn, John and Lisa August are very excited to be part of the community. Many businesses are gearing up and have job postings, they can be found on the website. April 1st is opening day for the Wequasset Inn and Golf Club. She thanked Griffin Ryder for giving a tour and showing them what is going to happen in Harwich Center.

PUBLIC COMMENTS/ANNOUNCEMENTS

The Harwich Fund of the Cape Cod Foundation requested to talk to someone from the Board of Selectmen. Mr. MacAskill agreed to spend some time with them. They were asked to make a short presentation.

Brian Scheld of the Harwich Fund of the Cape Cod Foundation explained that his organization is not quite a year old, their mission is Harwich helping Harwich. They are under the umbrella of the Cape Cod Foundation but focus specifically on the needs of Harwich. They are a permanent endowment. Because of the pandemic they have been focusing on health and human services. Their early grants were to early childhood advisory grant including family activity kits. They focused on the needs of the parents as they tried to address the developmental needs of their children. They helped fund the 2021 Outer Wear Program for coats and boots. They helped a daycare center purchase additional playground equipment at \$6,500.00. They had a successful launch and enough donations from over 50 Harwich resident donors and 15 of those are considered Harwich philanthropy level. They are all about the town and over time would like to mirror what the Cape Cod Foundation does and branch into educational, environmental, cultural and historical areas. They hope to focus on youth, seniors, and young families as we come out of the pandemic. This conversation is to build a relationship with the Board, solicit feedback from the Board and check in from time to time. They do not get funding from the Cape Cod Foundation but they do partner with them. An example is the Monomoy Family Grant, it was to the Monomoy Family Resource addressing the needs of our children in Harwich and Chatham. They partnered with the Chatham Fund for that grant. They are mainly self-sufficient with the leverage of the Cape Cod Foundation and are the most recent of the Cape towns to start and join the Foundation. They are very excited to have so much support from so many people. Their outreach and donations so far have been one to one calls, they will be following up with letters to residents to get the word out. The range of their grants is based on the size

of the endowment and they would like to give significant grants. As an example, the Harwich Counsel on Aging is developing a new program and they will be able to fund that initial program.

Town Administrator Powers announced that the Board will be meeting on March 22nd at 5:30PM to conduct 2 license hearings, Ember and The Port. The Board's regular meeting will be Wednesday, March 24th at 6:30PM.

DEPARTMENTAL BUDGET HEARINGS-JOINT MEETING WITH FINANCE COMMITTEE

- A. Finance (Assessor, Accounting and Tax)
- B. Information Technology
- C. Library
- D. Engineering

Mr. Chorey Chairman of the Finance Committee called the members of the Finance Committee to order by roll call with Mark Ameres, Daniel Tworek, Mary Anderson, Angelo LaMantia and Dale Kennedy present.

Carol Coppola, Finance Director addressed the audience, the Finance Committee and the Board of Selectmen with an over view of the budget. It consists of the Assessor, Accounting and Tax Departments and has 15 full time employees with an opening for an Administrative Assistant. There are also some seasonal employees. This is a level funded budget with one exception which was Ms. Coppola's salary. For Accounting, training hours were reduced. Every 2 years the Town undergoes an OPED assessment which is scheduled for FYU 2022. That is reflected in the Information and Technical Services as an increase. They are focused as a division on being efficient and a more paperless environment which allows them to reduce the amount of time manually processing information. They were able to accomplish many of the financial transactions by dispersing laptops, scanners etc to people working remotely. They will continue to focus on this and save taxpayer dollars. They are working hard to be productive, efficient and to save taxpayer dollars.

Donna Molino Assessing Director reported that they reduced contractor services which is a big part of their budget. The other major part of their budget is salaries. The cost of their office supplies has gone down because of the reduction of paper usage.

Amy Bullock, Treasurer reported that their budget is down 3%. Their subscription and travel line item was reduced by 80% primarily due to treasurer school cancellations. Tax collections are up 2% for real estate and boats, down 1% for personal property and up 18% for motor vehicles.

Ms. Coppola added that they are working with other departments on utilizing modules previously purchase by the town. An example is Employee Self Service, where an employee can log into the ERP system, make changes to their address, access their W2, direct deposit statements etc. Another is Citizen Self Service which allows the public to pay their current or overdue tax bills through the town's ERP System. That allows for efficiency and flexibility for the public and staff. They are implementing a Content Manager where different departments are able to scan an invoice and upload it. No paper copies have to be sent to the Finance office. She is working with the Town of Yarmouth to discover if accounts payable automation is possible for Harwich.

Dan Tworek asked if the Annual Financial Audit is a bid service and how often it goes out for rebid.

Ms. Coppola replied that it is exempt from the bidding requirements but can be a bid service. Typically an auditor should be retained for a minimum of 3 years. They are not opposed to going out again to bid but mentioned that the audit service has done a very nice job since FY2017.

Foster Banford, IT Director reported that of the 7 line items, 3 have substantial changes. The remaining 4 are, Munis which has a standard cost of living increase, telephones, internet and communications and the 4th is printer supplies. Of the 3 with changes, #530902 is support which has increased from 39K to 96K which is due to of the change in the way they are getting some of their major services. They zeroed out the previous services line that was paid on an hourly rate at a total of about \$20,000.00 and added that to the services from a company they've contracted called Hub Tech. They've also moved projects out from line 542013 to the support group, Hub Tech. The overall budget is about the same but those 3 lines have moved to fund the new way of getting support services.

Mr. Howell asked if we're upgraded to avoid our data from being compromised.

Mr. Bamford hesitates to say we're every fully covered but we are very well covered. We've engaged Hub Tech to do an analysis of our systems, make recommendations and upgrade where needed. Hub Tech will take on projects as requested. Any capital items are already included in the budget, the in-limitation will be by Hub Tech, we have the servers we need, and virtualization is not the favorite way to go any longer. Mr. Bamford explained virtualization. For Munis and Hub Tech, if someone is having a problem they can put I'm a ticket to get a resolution to the problem.

Virginia Hewitt, Library Director reported that it has been an unusual year for the library due to the pandemic and the restrictions for lending to the public. They do provide curbside service which is very labor intensive. They had been able to have some inside browsing with restrictions but have gone back to curbside only. In addition to physical materials, they provide access to ebooks, streaming movies etc. Story hour and other programs are all on line but live and interactive. They are looking forward to resuming in person services. Their budget is level funded. They made significant reductions in electric and gas line items due to energy efficiency programs that were conducted from October to February. The library has 7 full time and 17 part time staff members. There were no cost of living increases but some staff members will receive contractual increases. To level fund they had to reduce part time staff by \$7,992.00 which equates to 341 staff hours. The Town Administrator added that money back to their salary budget which meant that services would not be impacted. They now expect to be able to meet the state municipal requirement and maintain library certification if Town Meeting passes the \$20,000.00 for the library as they have done in the past. Their budget is now a .07% increase. She thanks the Town Administrator for recognizing that this small amount of dollars has a very big impact. Brooks Library is 33% busier than other Cape towns which she attributes to their customer service. They work hard to be available to as many people as possible. Books are purchased through the budget, it's under Object code 551000 in the budget. A state requirement is that they spend 16% of their budget on books, audiobooks, movies etc.

Griffin Ryder, Town Engineer reported that this is a department of one. The biggest change this year is a \$50,000.00 reduction due to the MS4 services (municipal separate storm sewer systems) which was typically funded through the operating budget but is now in Capital Outlay. Everything else was level, there were no increases in any line items.

Mr. MacAskill commended Mr. Ryder on everything he does. He asked if there are any negatives to not having a full time surveyor. Also if they should be looking to need more in the budget for Mr. Ryder's increasing responsibilities.

Town Administrator Powers replied that the department that suffers the most is Engineering. Mr. Ryder is overloaded, overburdened and despite all that gets a tremendous amount of work done. The Board is trying to gather the funding to bring more one-off contracts for surveying and other services such as electrical engineering. In the short term we are covered but looks forward to the day they can have administration handle the vast majority of procurement and return our engineer to engineering.

Mr. Ryder added that there have been a lot of changes since he started. He and Assistant Town Administrator Meggan Eldredge meet daily and he is confident they'll be able to make suggestions for procurement to be more efficient and stay ahead of everything. There have been 4-5 jobs where they have had to identify property lines etc. when they have had to bring in a surveyor.

Town Administrator Powers noted that this concludes the review of the Operating Budget for Departmental Budgets.

John Chorey reminds all that there is a Finance Committee meeting tomorrow night, a public hearing on the Operating Budget. At the cost of the public hearing they will start discussing and voting the town warrants. Mr. Ameres moved to adjourn the meeting of the Finance Committee, the vote was unanimous by roll call.

CONSENT AGENDA

No consent agenda items

NEW BUSINESS

- A. Discussion and possible vote to affirm the Town Administrator's appointment of Kathleen A. O'Neill, Sc. D., R.S. as Health Director

Town Administrator Powers apologizes as he neglected to honor the spirit, intent and the law of this agenda item. To correct that, he is seeking the Board's affirmation of his appointment of Dr. Kathleen A. O'Neill.

Mr. MacAskill moved to vote to affirm The Town Administrator's appointment of Kathleen A. O'Neill as Health Director. 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Mr. Howell, Mr. McManus, Mr. Ford and Mr. Ballantine voting aye by roll call.

- B. Vote to approve Board of Selectmen minutes from January 27, 2020

Mr. MacAskill moved to approve the Board of Selectmen minutes for January 27, 2020, 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.

- C. Vote to approve the 2021 Seasonal Common Victualler license renewals
1. 554 Street Bar DBA Three Monkeys - 554 Route 28, Unit B
 2. MT Group, LLC DBA Mad Minnow Bar and Kitchen - 554 Route 28

Mr. MacAskill moved to approve the 2021 Seasonal Common Victualler license renewals as presented and with such terms and conditions as previously noted. 2nd by Mr. Howell. The vote was 5-0-0 with Mr. Howell, Mr. McManus, Mr., MacAskill, Mr. Ford and Mr. Ballantine voting aye by roll call.

Mr. MacAskill asked Town Administrator Powers if any of the next three items have any pending hearings or any reasons why they should not vote for them.

Town Administrator Powers answered that there are no pending issues or pending complaints.

- D. Vote to approve 2021 Seasonal All Alcohol liquor license renewals
 - 1. 554 Street Bar DBA Three Monkeys - 554 Route 28, Unit BN
 - 2. Mt Group LLC DBA Mad Minnow Bar and Kitchen - 554 Route 28
 - 3. Phoenix Park Inc. DBA The Irish Pub - 126 Route 28

Mr. MacAskill moved to approve the 2021 Seasonal All Alcohol Liquor license renewals as listed and with such terms and conditions as was previously noted. The vote was 5-0-0 with Mr. MacAskill, Mr. Howell, Mr. Ford, Mr. McManus and Mr. Ballantine voting aye by roll call.

- E. Vote to approve 2021 Seasonal Lodging House License renewal
 - 1. Gingerbread House - 141 Division Street

Mr. MacAskill moved to approve the 2021 Seasonal Lodging House license renewal as noted with such terms and conditions as previously noted. The vote was 5-0-0 with Mr. Howell, Mr. Ford, Mr. McManus, Mr. MacAskill and Mr. Ballantine voting aye by roll call.

OLD BUSINESS

- A. Discussion and possible vote - Proposed Article to allow a permanent easement to Celco Partnership (DBA Verizon Wireless) on the town-owned property located on Harbor Road.

Town Administrator Powers notes that joining the meeting is a representative and/or counsel from Verizon and the other parties involved. He has not had a conversation with KP Law regarding this matter.

Attorney Dan Klasnick, outside Counsel for Verizon Wireless provided an overview. The request is before this Board to get a utility and connect fiber service to a small cell utility pole on the property at 40 Harbor Road. Verizon Wireless has entered into a contract with Eversource to attach its small cell equipment to that utility pole and had previously received a grant of location and consent from the town for access to the property. There were plans included in the packet. What is being installed on the pole itself consists of one small canister style antenna that's mounted to the top. There is some other equipment attached to the side of the utility pole including an electrical meter. The reason Verizon Wireless has proposed to install this small cell equipment is to address its network coverage and capacity requirements in this area of Harwich particularly for peak area times of usage to allow them to enhance their network performance. To complete the installation to activate the small cell, it's necessary to install a fiber optic connection. It has to be able to connect back into the network which requires the trenching of a small area from the property line to the utility pole. They are requesting this easement to allow Verizon Wireless to move forward with this. Verizon would certainly work very closely with this Board to prepare the necessary easement document for that purpose. He spoke with Town Counsel to get a better understanding of the warrant article. Once they go through Town Meeting they will come back to the Board to present the easement document, further details regarding the location, moving forward to negotiate and to finalize that document. They're hoping that the Board will move this towards the next step.

Mr. Howell comments that a permanent easement with a technology that may not last for 50 years may not be necessary.

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Atty. Klasnick noted that if there was ever a decommissioning of the site there could be a release entered into at that time. He does not know if it has ever been contemplated that they may need additional capacity to the network.

Mr. Howell asked that it be memorialized that in such time it was no longer needed, it would revert back to the town. The Board has to make a recommendation to Town Meeting. This is not just a courtesy meeting. Town meeting vote is needed to convey this easement but also needed was support from the Board. He asked why Verizon couldn't add some sunset language. We have had something like that for the major tower in East Harwich.

Atty Klasnick states that the language for the easement was prepared and drafted by Town Counsel. As he indicated, what they are prepared to do after getting necessary approval from Town Meeting would be to negotiate specific terms of the negotiating document itself.

Mr. Howell notes that in the past Boards of Selectmen have done that. The state law that requires Town meetings to approve easements and land conveyances or certain contracts was to allow the public to know what they were giving up in order to get something. He is not fond of giving the Board the authority to get into negotiations after that vote. He would like to be able to get large issues out of the way rather than leaving them unaddressed.

Mr. McManus remarked that this is purely for providing cell service to neighboring houses.

Atty Klasnick said that these has been identified as peak usage times, they're having difficulty providing adequate service. It wouldn't just be for propagating signals to the surrounding homes, it's intended to cover the area down by the harbor where there is a lot of usage particularly during the summer months.

Mr. McManus notes that an issue on Cape is lack of competition for cable service. When asking Verizon about fiber service we were always told it wasn't possible on the Cape it didn't make any sense to invest in putting in the fiber network. If fiber was available, one would hope Verizon would provide the community with the competitive advantages of having more than just one cable provider to select from.

Atty Klasnick offered no guidance about that issue.

Mr. Howell offered that Verizon Wireless is a different corporate structure than Verizon Fios.

Mr. MacAskill notes that this has been on the agenda twice with nothing in the packet identifying what the property was. Clearly this is a landing that the town is not going to sell and he sees no reason not to vote this. He does see the absence of a motion in the packet tonight. He doesn't mind doing language about termination but they're asking for a very specific device. If that device becomes irrelevant they would have to come back to put up another device. Also 2 years ago they voted to support these on Lower County Road, 2 of them. They either have to go back and find the language Atty. Giorgio wrote last week or bring this back for another time.

Town Administrator Powers stated that the intent this evening was to bring information as to what was leading to this article and be prepared to come before the Board next week for inclusion on the warrant or at least the debate and discussion therein.

Mr. Ballantine noted that we now have the information they required and they will bring it back.

B. Discussion and possible vote to repair the floor within the Arts Center located at 265 Sisson Road requested by the Cape Cod Theatre Company - approval of plans and specifications as provided.

Mr. MacAskill moved to approve to repair the floor within the Arts Center located at 265 Sisson Road requested by the Cape Cod Theatre Company. 2nd by Mr. Howell. The vote was 4-0-0 with Mr. Howell, Mr. MacAskill, Mr. McManus and Mr. Ballantine voting aye at roll call. Mr. Ford has left the meeting.

Mr. McManus added that he was at the Arts Center and went into the basement. His memory was correct, when they put in the new foundation they put in several crossbeams. The structural strength needed is in the floor.

C. Discussion and possible vote - Town Administrator's update on the FY2022 Monomoy Regional School District Budget.

Town Administrator Powers stated that there are 2 elements that come in the agenda item. The second is in the memo to the Board dated March 15th. There were questions raised by the Board last week and Dr. Carpenter has provided his responses regarding the funding for the elementary language curriculum, the K9 program and the school resource officers. Secondly is an update on the FY2022 Monomoy Regional School District Budget as most recently voted by the Regional School Committee on March 11th. School Chair Tina Games is on the call. He had several conversations with the Superintendent and the school budget is on the agenda for next week for further deliberation and discussion. Essentially the committee voted to adopt a budget that they believe would match a 1/12th budget as determined by the Secretary of Education

Christina Games, Chair of the Monomoy Regional District School Committee stated that they did vote last Thursday to reduce their budget. What the Board is looking at for Harwich is an assessment that is just slightly over 2%. They pulled more from their END account as well as relying more school choice which was proposed by the Finance Subcommittee. They are doing the best they can to put in front of the Board the best budget they can, knowing there are still more COVID related issues that they have to be mindful of.

Mr. Ballantine feels the issue that still needs to be discussed is that of the elementary school.

Mr. Howell notes that anything that would relate to a change in the elementary school agreement is actually specified in the creation agreement. It has to go back to both Town Meetings and both Boards of Selectmen to be approved. This is great work but not a durable solution. That will rest on what Chatham is willing to do and that's out of their hands. He does appreciate their efforts.

Town Administrator Powers recognized that the agenda topic this evening is an offshoot of the School Committee's action list week. Dr. Carpenter did share new information with him relating to potential modification to the Regional Agreement to impact upon assessments. Dr. Carpenter and his team are prepared to come back next week.

Mr. MacAskill referred to the memo and noted that our operating budget and our departments have felt a fair amount of pain for the past 2 years. This year the Board voted to only support a 1% cost of living increase. We came in at a .06% increase. The school came in with an over 2% increase on a 41 million dollar budget. We're in the middle of a pandemic yet they chose to take on a new ELA curriculum. He's looking at where they found the money for this reduction and budget school choice tuitions, \$50,000.00 reduction in the athletic program, retirement savings incentive \$50,000.00 and other staffing savings \$275,000.00. If the School Committee had offered that up, that \$500,000.00 number wouldn't be

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\$500,000.00 anymore. They could have waited another year until things were better to purchase the curriculum. That would have made more sense and have been fairer in the process. This talk about the elementary school is not going to happen this year. The Regional Agreement is not going to change this year. It has to go to 2 Town Meetings and the short term fixes will have to go every year. Chatham's savings through the regionalization equal 16 million dollars. It cost Harwich 34 million dollars. Though a lot of people support this, a lot of people can't afford this. A lot more has to give and he will not support it. He doesn't think the curriculum should be bought in this budget. He referred to his question regarding school resource officers. Dr. Carpenter's answer that it's a misconception that school resource officers aren't in school during this pandemic, does not answer his question. The question was, were those resources reallocated in any way? The school was open part but not all of the pandemic. The answer that they were redirected to help families outside of school or would be available in the schools would be more appropriate. A fair amount of residents have asked this question and we did not get the actual answer. The answer to the question regarding whether the school and the town funded the canine was no and he appreciated that answer.

Ms. Games replied that she did not see the questions that went to the Superintendent or his answers. She can be more helpful going forward. If anyone has questions for the Superintendent, she asked to be copied so that she can be part of this dialogue as the Chair.

Town Administrator Powers corrected the record, the questions arose at the Board's regular meeting last week when he reached out to Dr. Carpenter as he indicated to the Board that he would. Dr. Carpenter had watched the meeting, was aware of the questions and understood them from watching the meeting. He provided the responses as to what he believes the questions were. Going forward, he will make sure the Chair of the School Committee is tied in as well.

Mr. Ballantine commented that the agreement is the agreement and as they discussed, it's going to take couple of years. His concern is the May Town Meeting and the budget at that point. We should be outside of the agreement and that should be between the two towns. That discussion will continue.

Ms. Games suggested that it may be worth getting the round table going that they had for a while. She wishes the School committee had control over this but it is between the two towns. She offered to call another round table meeting to see if they can get a check point of where things are.

Town Administrator Powers would not say no to another sub group meeting but does not think we could convene that group before next week. It's important to keep the schedule that they have in play right now regarding the budget. It would also be helpful if Dr. Carpenter could present the information working with his counsel on potential amendments on the Regional Agreement and how they could be affected. If the Board is agreeable to that we can keep that schedule, otherwise if there's other action you want to take, please advise.

Mr. McManus referred to previous comments regarding the shift in cost since the original agreement. In the additional amount that has shifted to Harwich and a portion of that is represented by the fact that when we regionalized, the full cost of all of the students that were in school choice in Chatham transferred back to Harwich. Before regionalization we had 100-150 students in the Chatham schools. We were only being charge \$5,000.00 a piece f and Chatham was picking up the 5-6 thousand cost of the student extra. He would like to know what part of the \$34 million in extra cost is actually a realization of costs that for many years before Chatham had been subsidizing.

Mr. Howell commented that some of this is self-inflicted, we didn't realize going in that some students would be repatriated. It is incumbent on us to go back and look at our part in creating that. The question is, how do we get out from the dynamics that are occurring. It has been accelerating and we need a

permanent solution to this. He doesn't know that he feels a sense of urgency by one of the 3 entities. It is not sustainable for us to do this.

Ms. Games added that the School Committee held a community forum and advertised it to both towns. She was surprised that only about 4 people from Harwich attended. There were about 50 people from Chatham so the dialogue was quite lopsided. She thinks it would be helpful if they could get more people to the table. She asked everyone in Harwich to attend the next community forum so they can be heard.

Mr. MacAskill commented that this is a very difficult time for a lot of people and these extremely important issues really shouldn't be being talked about with such a limited group. There are a lot of parents who are struggling to provide daycare for their kids, go to work, earn their living, and take care of their families. He is unsure Ms. Games will get a large diverse group that want to talk about this right now. And on the Chatham side, this will affect them the most, they can't populate an elementary school. He doesn't feel we'll get a lot of people right now.

D. Discussion and possible vote - draft warrant for 2021 Annual Town Meeting

Town Administrator Powers refers to the packet and the memo regarding New Business, letter C, draft warrant and the 78 articles that follow that. The draft warrant is out of date as is the index, he assures Selectman McManus directly that his changes on boiler plate were taken out and the sponsorship of certain items was corrected to say Selectmen. This is an inaugural effort for this Town Meeting to see if the Board wants to engage in a discussion on certain articles, to see first whether the Board wants to have the articles placed into the warrant and if the Board is interested in making any recommendations. He tried to pick articles that first had been fully vetted by counsel and articles that the Board may easily dispatch by either adding or not adding. He asked if the Board is ready to first take motions on what to place on the warrant and then when deemed ready make recommendations on the articles.

1. Amend the Town Seal
2. Wastewater Special Purpose Stabilization Fund
3. Rescind past articles and authorize sale off 5 Bells Neck Road
4. Promote the Town of Harwich
5. Defray costs for Other Libraries
6. Supplemental Allocation for Local Cultural Center
7. Herring Fisheries

Mr. Ballantine commented that, regarding the Town Seal, he suggested that when he thought COVID would be over and they could follow the example of Mashpee. This discussion has just been started, it's a great Town Seal but if it offends people we could consider making a minor change. He suggested that this not go forward at this time but he would like to bring this back as an agenda item after Town Meeting.

Mr. MacAskill seconds that

Mr. Howell pointed out that they never actually voted to include it, it was placed by the Chair.

Mr. McManus agrees.

Town Administrator Powers spoke to #2 and the creation of the Wastewater Special Purpose Stabilization Fund. It was originally created as a holding place for those funds to be moved from excise to this fund. The language for this article would take half of the current 4% excise and put it straight into a Special

Purpose Stabilization. The questions before the Board are, do you want to have this contained in the warrant and are you prepared to make any recommendations?

Mr. Howell commented that he understood this to be married with the concept of accepting the extra 2% local option tax and not allowing it to go straight to the Town's General Fund. There is no purpose in having a vacant debate about this unless we want to take away half of our available resources to fund departments in the general government. As it is now, the 4% does that, it was the extra 2% that they were looking to put in this. They're not going to do that this year.

Mr. MacAskill agrees with Mr. Howell. He commented that if the Board had conversations about the 4% that we already charge and wanted to allocate a percentage of that, he would entertain putting this before Town Meeting. He sees no reason why they can't wait a year for that given a little latitude on what ends up in the General Fund anyway.

Mr. Ballantine notes that they have in the past created a stabilization fund before they funded it. This is not a precedent in that regard. It's so it is available for future use.

Mr. Howell notes that it captures 2% specifically which means it does have an action.

Mr. McManus commented that the draft language be eliminated and use this as a vehicle to create the stabilization fund.

Mr. MacAskill expressed that he feels they should have a year at Town Meeting where nothing says wastewater in front of it.

Town Administrator Powers states that if it's the consent of the Board, he'll make sure that it is not in the future draft. Regarding #3, when he updated on surplus properties back in 2020, there was discussion about 203 Bank Street and 5 Bells Neck Road. Past efforts to lease the property were not received by the general public and there were no bids submitted. The question now is, does the Board wish to have this deemed surplus property for the purpose of sale and if so the article that is provided would accomplish that.

Mr. MacAskill noted that under the proposed articles, they have the words accept and adopt. Should the motion say accept and adopt be included in the warrant?

Town Administrator Powers answered that he would first ask that if the Board wants to place it in the warrant that there would be a motion and a second to place in the warrant. In a separate action, if the Board is looking to accept and adopt any other related action, the first action would be the warrant itself, the second action would be recorded as you see in the roll call votes.

Mr. MacAskill states that a portion of the active group, Sally Urbano being one of them is present. He would rather hear what they have to say before he comments.

Sally Urbano of the Planning Board advocates for the West Harwich School House. That building is currently a liability for the town and incurs expenses. Through the sale there would be an RFP that requires time and time for funding if there's going to be a rehabilitation. She would like to see it left on the warrant. Last year the vote for DCPC went very quickly with little discussion. She doesn't anticipate much discussion on this, there is a lot of support for the sale or to do something.

Duncan Berry of the Planning Board expressed that he feels they can help alleviate the headache the Board has had and they're happy to take it over. They have a group that'll put the shoulder into it and

make something happen there. Another year is another year of more degradation to the structure and they'd like to move on it as soon as they can.

Virginia Doyle of the Architectural Advisory Committee is present but unable to unmute her microphone to participate.

Mr. MacAskill agrees with Ms. Urbano on this article. He does not believe there will be conversation on it. If they let anyone who opposes it speak first, they'll have very little conversation. This building has been the subject of talk for a long time. We have momentum in West Harwich now and there is an active group, he supports this being on the warrant. In general he thinks the people in town would love to have this one off the books.

Mr. Howell agrees. If this is where everybody wants it to go, this'll take it out from under CPC directly and put the building in some loving hands so we can move forward on it.

Mr. McManus expressed his concern that putting it up for sale is losing control of the building. There is no telling who will be the eventual purchaser and whether they want to do anything with the building or demo it and do something with the land.

Mr. Berry noted that there would be restrictions and preservation standards and the whole premise of the purchase is to solidify and use it as a landmark.

Mr. McManus suggested that those restrictions be part of the article so folks know what they are voting for.

Mr. MacAskill notes that we don't have a complete article. They could vote to include this in the warrant tonight with the stipulation that the article come back to the Board for the support piece or vote later to take it out of the warrant. He feels the Board should be cognizant of what is put for language and restrictions. He doesn't feel that in the procurement laws they will be able to cater this to one group of bias. That's where this could get hung up at Town Meeting, its own description.

Mr. Ballantine summarizes that if they can't vote tonight to have it on the warrant, it'll then come back to the Board with final language to adopt and approve.

Town Administrator Powers emphasizes that he didn't want to take any liberty with this, what he presented would accomplish the sale. He agrees with comments made by the Selectmen. If the Board is interested in refining that, he can add that language if that's the consensus or the intent of the Board, to be sure the article is strengthened to incorporate language for the sale to certain types of groups that may account for preservation of the building and/or the history of the property.

Mr. McManus adds that the sale of the building will have to be contingent on having historic preservation restrictions on the building. He feels the Board should look into whether or not that restriction is also something that needs to be approved by Town Meeting and if it is, see if that restriction can be provided as part of this article so it is not held up for another year waiting for that to be approved.

Mr. Ballantine states that his will be brought back.

Town Administrator Powers addresses the next 3 items, #4, #5 and #6.

Mr. MacAskill moved accept and adopt warrant article, promote the Town of Harwich in the amount of \$30,000.00, 2nd by Mr. McManus. The vote was 3-0-1 with Mr. MacAskill, Mr. Howell and Mr. Ballantine voting aye by roll call. Mr. McManus abstained.

Mr. MacAskill moved to place in the warrant, the warrant article Defray the Expenses of the Chase Library and Harwich Port Library in the amount of \$20,000.00, 2nd by Mr. Howell. The vote was 3-0-1 with Mr. MacAskill, Mr. Howell and Mr. Ballantine vote aye and Mr. McManus abstaining by roll call.

Mr. McManus states that he doesn't see taking positions on the articles on the agenda so he abstained.

Town Administrator Powers noted that the intent of discussion of possible vote draft warrants matches the action of the Board last year. It was intentionally meant to be broad enough that there could be any range of discussion and any range of votes. It argues that it is not precluded at this point if the Board wants to so act.

Mr. MacAskill agrees and feels the information in the packet includes those pieces and the title of the agenda item definitely covers the Board. If Mr. McManus wants to clarify it more, it's important that they go into Town Meeting, especially on the ones that are not controversial as a group and without missing Selectmen. If Mr. McManus is not comfortable with this, he will remove it.

Mr. McManus states that when the Board takes that action, he'd rather have it explicitly on the agenda.

Mr. MacAskill withdraws his motion. To clarify, the Accept and Adopt is what will be brought back on those 3 next week.

Mr. MacAskill moved to approve warrant article Supplemental Allocation of Mass. Cultural Council for the Local Cultural Council grants in the amount of \$3,600.00. 2nd by Mr. Howell. The vote was 4-0-0 with Mr. MacAskill, Mr. Howell, Mr. McManus and Mr. Ballantine voting aye by roll call.

Mr. MacAskill asked, regarding Bells Neck, if we voted to include in the warrant the sale of Bells Neck tonight, it still has to come back to the Board if Town Meeting does it. The Board will still have to vote the procurement process and what the RFP will say. All they're doing tonight is to put it on the warrant to sell it. Then the Board can take up the RFP process and the conditions after the fact. He doesn't see any harm in voting to sell the building tonight given that there is going to be another process involved to go forward. If they don't agree on an RFP then it doesn't get sold and it goes back to Town meeting a year later. In the spirit of keeping the Town Administrator rolling he doesn't feel they should be postponing things that seem like easy votes.

Mr. Howell points out that another alternate way of proceeding forward without having to worry about the language this week or next is that it could be included in the motion at Town Meeting. If the Board wanted to restrict it further, there are other possibilities beyond next week.

Town Administrator Powers feels that a motion to that effect at Town Meeting provided by the Finance Committee Chair that all parties agreed to, strengthens that. The absence of it doesn't hurt the Board but the presence of it strengthens it.

Mr. MacAskill moved to include warrant article to authorize the sale of 5 Bells Neck Road in the warrant, 2nd by Mr. Howell.

Mr. McManus notes that once a property is called surplus, there are restrictions. He wonders if that's something the Board can do in an RFP by themselves without Town Meeting voting on it. He thinks the

Board should find out if putting restrictions on the sale is something they can do or if it is a Town Meeting action. If they can find that out before finalizing this, they've saved themselves a year.

Mr. Howell states that if they make a motion for the article including that as a parameter authorizing the sale of it, you get both things out of Town meeting.

The vote was 3-0-1 with Mr. MacAskill, Mr. Howell and Mr. Ballantine voted aye, Mr. McManus abstaining by roll call.

Mr. MacAskill moved to include in the warrant the customary Herring Fisheries warrant article, 2nd by Mr. Howell. The vote was 4-0-0 with Mr. McManus, Mr. Howell, Mr. MacAskill and Mr. Ballantine voting aye by roll call.

Jon Chorey Chairman of the Finance Committee spoke regarding the voting, articles and warrants and will be contacting Town Administrator Powers for explanations and clarifications.

E. Ongoing discussion - Comprehensive Wastewater Management Plan (CWMP)
1. Dennis Harwich Yarmouth Clean Waters Community Partnership Agreement (DHY)

Dan Pelletier Wastewater Superintendent presented an updated cost review. He showed a map of a high level overview with respect to cost. The DHY Facility is located at 120 Theophilus Smith Road in Dennis which is the location of the Wastewater Treatment Plant as well as one of the effluent disposal beds. The second effluent disposal bed is at the Bass River Golf Course in South Yarmouth. He also points out the Harwich Center Collection System. He shared more statistics including graphs with proposed capacities, the cost of the treatment plant and the addition effluent sites. The cost will be distributed amongst the 3 towns based upon the percentage of flow that they're committing. Harwich owns 11% of the cost which equates to a total of approximately 14 million dollars. Regarding DHY vs Harwich going in alone for our own wastewater treatment plan, the approximate cost would be 28.2 million dollars. He also added the GHD figures in with the DHY plans and the Harwich only option to show the grand total for the initial build for the DHY timeline which is 20 years. For the DHY option the total cost would be 970.1 million, Harwich only would be 111.4 million.

Town Administrator Powers states that the Board members subgroup had to ask CDM Smith to come up with the cost review number, to verify and validate those for the 3 towns. Our Town Engineer has met with his counterparts in the other towns. What Mr. Pelletier and Mr. Ryder are presenting tonight is out of those findings and putting them into Harwich specific terms.

Sandy McLardy questions the effluent recharge, the graph showed 1.2 million and up for the Queen Anne Road Recharge Center but it doesn't show a maximum where on the other towns it showed a range. It appears we could be taking much more effluent than we are sending to DHY. He comments that the net effect is that we're taking more effluent from Yarmouth or Dennis. His concern going forward is the cost, not only monetarily but also contaminants of emerging concern, heavy metals etc. If we did a plant in house, maybe our Harwich water would be cleaner than Yarmouth water. He doesn't know that, it could be in reverse, just throwing it out there as a consideration when talking about cost. He commends the idea of taking the whole package and reevaluating the costs and the pros and cons of different technologies. He is confused as to how we can bring DHY to the warrant when the reevaluation hasn't been completed. He suggested we put some language in addressing the Harwich concerns of limiting what we're sending.

Mr. Pelletier responded that the recharge sites that were identified in the presentation were derived in the CWMP. There is an assumed recharge rate and those are done for planning purposes. In actuality, Harwich is going to be sending all the remaining effluent to the DHY plant, about 1 million gallons per day. If that site can hold 1.2 there is a need for it, there is a possibility that Harwich could take an additional amount above that. It would be negotiated through the IMA subgroup as well as Harwich. The contaminants concern has been discussed, a centralized collection and treatment facility allows you to treat and remove contaminants. Those effluents are regulated unlike ones in title 5 systems and alike. With respect to the 300,000 gallons and alternative technologies, there are areas in town that need 100% nitrogen removal that, even with a great IA technology, we still need to sewer certain areas to town. Getting into DHY at a capacity that is 1/3 of the projected remaining effluent is a reasonable thing to do and is a cost savings to the town.

Mr. Howell expressed his concern considering where we are with the Town Meeting warrant, it is not just what we're doing but when we're doing it. As soon as it's voted on we are committed to payments. Also, a straight up or down vote for the exact same warrant article has to be for the 3 different towns because we're adopting the same agreement. We cannot twiddle it for us so it gives us what we want in a particular area if that has any effect on Yarmouth or Dennis. It has to be the same article, the same language addressed at each Town Meeting.

Mr. MacAskill wished the topic read differently tonight and he could make a motion to not include it in the warrant. We're not ready and not going to be ready. It's not time, we're still using potentially and assume. We've lost voter confidence on wastewater issues, he asks that this be brought back soon then later. It should be taken off the warrant and put the taxpayers minds at ease that it won't be brought forward in a rushed manner.

Town Administrator Powers built off Selectman MacAskill's statement, if that leads to the sentiment of the Board, it's empowering to him when they meet again. That message of "we're not ready yet" is a legitimate message and one that he is comfortable conveying forward. It may be similar to one of the other towns. It's not a no, it's an emphasis that the Town of Harwich, with this group and this Board of Selectmen, need more time to do more due diligence. Hopefully we can rely upon less restrictions when we have a vaccinated population, to have large community events where the Town of Harwich and experts can answer questions. None of the 3 towns have been able to rely upon direct community access and input.

Mr. Howell commented that he agrees with Town Administrator Powers. He referred to the previous meeting and noted that if one of the towns involved adopts the language and creates this commission, they will not be using that working group again. We would be approaching a commission that's not even the Town of Yarmouth or the Town of Dennis that would have the potential power to say yes or no under those circumstances. He feels it's important to convey to everybody that in this environment, regardless of what numbers look like, we have to know what's going on. This conversation should not be happening 5 or 6 weeks in advance of the Town Meeting. Yet all 3 towns will be doing that and if 1 town passes this, this whole discussion becomes a different thing. That was floated at the DHY meeting and no one disputed it.

Mr. McManus commented that the partnership only gets formed if all 3 towns vote it.

Mr. Ballantine stated that they'd have to rewrite the agreement for 2 towns or 1 town could go on their own. Our mission is what our position is for Harwich tonight. He also agrees that they're not ready, they're still working on it, gathering information and he would like that message to go forward.

Mr. MacAskill requested that the warrant article be put on next week's agenda so the Board can vote not to put it on. He thinks this was a good conversation and thanks the Town Administrators for his comments. He understands the urgency of the other towns, we're 32 million dollars ahead of them. If the Conservation Law Foundation reviewed the Cape, Harwich is in the top 4. We are doing a great job and the taxpayers are paying their share. A lot of questions have been asked and not answered, the sooner the Board can set the residents' minds at ease the better. He hopes they can do that next week.

Mr. Pelletier commented that if the consensus is that we're not ready for DHY and Town Meeting, he suggested possible putting a Wastewater article in there for funds to support revising the CWMP and doing the research that they need to do to rebuild the trust.

Mr. McManus commented that if we're saying we need more information, we need a way to pay for that. He feels that suggestion is the only honest way to go forward.

Mr. MacAskill also thinks that idea is great and asks where they will find that money. We're already raising the tax levy 4.3% plus the negative number based on the school. It's a broader conversation unless it's going to be taken from somewhere else, we're going to throw another number at the tax payers.

Mr. Howell, suggests that the more fundamental question isn't that. Some of the assumptions that are having to be accepted to be able to develop where we are now and not so independently, are coming from the same guy who gave us the cost estimates in East Harwich. This has pyramided so that he was hired to work with the 3 towns to create this. An arm's length evaluation of this would not include consuming his figures, it would include doing something from the ground up. We need to build the foundation first. We need to know more and we need to know more independently. He is not willing, at this point, to just accept what CDN Smith says at face value.

Mr. Pelletier stated that he and Mr. Ryder have discussed that issue regarding the numbers. They requested and were given a backup. They went through it but haven't yet had the opportunity to dig in on their own. His opinion is that he is unsure if 103.4 million is the right number for the plant but even if it was twice that it would still be cheaper than building our own.

Mr. McManus did not see in Mr. Pelletier's proposal that it was going to any one vendor but to the vendor that can give us the types of information, advice and expertise that we need at this point. If we're unhappy with our previous vendor, it's definitely not going to be them.

Town Administrator Powers referred to an earlier comment, he gets concerned when he hears to bring up an item and to not do something to it. He can withdraw the draft DHY agreement article if it's the consensus of the Board because it's not formally placed there by the Board. He would feel more comfortable doing that, than bringing it up for the Board to vote for it not to be included.

Mr. MacAskill asked if that should be done in a meeting where warrant articles are discussed and take no action on it. Hopefully Mr. Ford will be in that meeting as well so it will be 5-0-0

Town Administrator Powers replied that yes, the no action would do that but the no action wouldn't be a vote.

Mr. Howell states that should happen through the Chair when he asks if there's a motion. A motion to include it by default is not included.

Mr. McManus asked the Town Administrator if he felt comfortable preparing a possible article for the Board to review next week on the topic that Superintendent Pelletier brought up.

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Town Administrator Powers is comfortable crafting it but shares concerns about funding it. He can keep the discussion going.

Mr. McManus commented that he would hate to be in a position next year of trying to think about an article to put together for Town Meeting a year from now and saying we can't decide this because we didn't have the necessary funds to do the work to help make those decisions.

Claire McLardy suggested the possibility of using the room's tax that was discussed previously to fund the research.

Mr. MacAskill agrees with that but we have a shortfall in our budget and now we are going back in the 24th hour and asking the Town Administrator to come up with a funding source. We should take the first 45 minutes of the next meeting to debate this. It warrants a discussion however, \$150,000.00 was voted for CAD modeling so we've made an investment. If the Board wants to take up a percentage of room tax and create the fund, the Board should have that conversation. It should be an agenda item to debate.

F. Discussion and possible vote - request extension time for third installment payment of Capacity Purchase Fee, Section 3 Inter Municipal Agreement (IMA) between Chatham and Harwich for wastewater collection and treatment.

Mr. MacAskill moved to request an extension of time for third installment payment of Capacity Purchase Fee, Section 3 Inter Municipal Agreement between Chatham and Harwich for wastewater collection and treatment. 2nd by Mr. Howell. The vote was 4-0-0 with Mr. Howell, Mr. MacAskill, Mr. McManus and Mr. Ballantine voting aye by roll call.

CONTRACTS

No contracts listed

TOWN ADMINISTRATOR'S REPORT

Town Administrator Powers states that based on that vote, he will transmit a letter to his counterpart in Chatham informing her of the actions of the Board and formally making a request on that extension of time. Also he announced that our Assistant Conservation Agent Nikki Smith is leaving, she has been appointed to the Town of Chatham as their Conservation Agent. Congratulations to Nikki, we wish her the best. He will be advertising for the Senior Health Agent and also the Assistant Conservation Agent. He has advertised internally for the Town Planner and will advertise externally if there are no qualified candidates.

Mr. MacAskill suggested that the policy was to advertise internally and externally at the same time, to save time but give preference to the internal applicants.

Town Administrator Powers replied that Town management has the right to do that however at this point it's helpful for him as Chief Personnel Administrator to do it in the 2 step process. He can amend his ways if the Board wishes to have a further discussion.

Mr. MacAskill commented that as we move forward, the Board should look to changing that or renegotiating those contracts. If we advertise internally and get a couple of applicants, what service are we doing to the taxpayers in Harwich if we don't go externally and see what choices we may have?

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SELECTMEN'S REPORT

Mr. McManus, no report.

Mr. Howell No report but referred to how much time the Chair spent in meetings in the past week.

Mr. MacAskill, no report.

Mr. Ballantine, no report.

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

Meeting adjourned.

Respectfully Submitted,

Judith R. Moldstad
Recording Secretary

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