

RECEIVED
TOWN CLERK
HARWICH, MA

MINUTES
SELECTMEN'S MEETING
TOWN HALL

RELEASED

APPROVED

2022 JUL 26 P 3:25 MONDAY, MARCH 21, 2022
6:00 P.M. - EXECUTIVE SESSION
6:30 P.M. - REGULAR MEETING
REMOTE PARTICIPATION OPTIONAL

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

ALSO PARTICIPATING: Town Administrator Joseph Powers

CALL TO ORDER

Ms. Anderson moved to go into Executive Session to discuss with respect to collective bargaining for all town unions and the Chair has determined that open session would have a detrimental effect on the town's bargaining position, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Mr. Ballantine, Ms. Anderson & Mr. Howell all voting aye by roll call.

EXECUTIVE SESSION

- A. Pursuant to MGL c.30A section 21 (a)(3) to discuss with respect to collective bargaining for all town unions and the Chair has determined that open session would have a detrimental effect on the town's bargaining position

Mr. MacAskill called the meeting back to order and stated that no decisions were made in Executive Session.

PUBLIC COMMENTS/ANNOUNCEMENTS

- A. Tuesday, April 12, 2022 is the Last day to register to vote in the local election on Tuesday, May 17, 2022

Mr. Powers announced that Tuesday, April 12, 2022 is the last day to register to vote in the local election on May 17, 2022.

PRESENTATION

- A. Swimming Pool Initiative

Susan Contonio was present to review the request. She has come to find more and more that there is a want for a community pool on the Lower Cape. Ms. Contonio is seeking a blessing from the Board to further research this initiative with the Community Center Director and any other town members, understanding that there is a lot involved with the process.

Mr. Ballantine stated that this has been looked at over the years, but it has always been too expensive. At this point, it would take a swell of local volunteers to get it going and raise the funds to make it happen.

Ms. Kavanagh feels that this is a great idea and that there is a need for the pool.

Ms. Anderson wasn't aware of any roadblock to Ms. Contonio pursuing this and thought that by having this conversation televised might bring in more volunteers.

Mr. Howell commented that the operating costs are far bigger than the building costs. He suggested that if we are going to look at this regionally, that we try to form a partnership with the YMCA as they are looking to do the same thing.

Mr. MacAskill stated that he is for this as well and that the Board has given their consensus to move forward the research. He suggested that she schedule a meeting with administration to start.

CONSENT AGENDA

- A. Vote to approve the appointment of Jennifer Harrington, Animal Inspector – Term May 1, 2022 to April 30, 2023
- B. Vote to approve the appointment of one full-time Police Officer

Police Chief David Guillemette was present with Thomas Radzick. Mr. Radzick comes to Harwich with Police Academy training and police experience. He also lives in Harwich and has a Bachelors in Criminal Justice Management.

Ms. Anderson moved to approve the appointment of one full-time Police Officer Thomas Radzick on the recommendation of the Police chief, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Mr. Ballantine, Ms. Anderson & Mr. Howell all voting aye by roll call.

- C. Vote to approve a Caleb Chase in the amount of \$870.00
- D. Vote to approve a Caleb Chase in the amount of \$1000.00
- E. Vote to approve a Caleb Chase in the amount of \$543.00
- F. Vote to approve a Caleb Chase in the amount of \$923.20
- G. Vote to approve a Caleb Chase in the amount of \$1000.00
- H. Vote to approve a Caleb Chase in the amount of \$629.00
- I. Vote to approve an owner's Local Initiative Program Refinance Request for their home at 12 Gomes Way
- J. Vote to approve the following Board of Selectmen Meeting Minutes:
 - 1. July 20, 2020
 - 2. November 23, 2020
 - 3. September 7, 2021

Ms. Anderson moved to approve the consent agenda items A & C through J and authorize the Chair to sign any required documents, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Mr. Ballantine, Ms. Anderson & Mr. Howell all voting aye by roll call.

Mr. Howell commented that it would be sad if the Board didn't approve the refinance request, given the current interest rates. He went on to say that the amount of Caleb Chase requests being made shows that people are hurting.

NEW BUSINESS

- A. Discussion and possible vote to place the non-binding question regarding withdrawing any plans to discharge any radioactive water into Cape Cod Bay on the 2022 Annual Town Election Warrant

Diane Turco was present remotely and reviewed the request to place the non-binding question regarding withdrawing any plans to discharge any radioactive water into Cape Cod Bay on the 2022 Annual Town Election Warrant. This has been presented in towns across the Cape and

Marthas Vineyard and allows for the public to have their voice in the matter. The dumping would damage the livelihood for fisherman as well as the tourist industry.

Mr. Powers stated that he has checked the wording of the request with Town Counsel. He asked if the petitioner would send him a word version of the document.

Rosemary Shields from the Cape Cod League of Women Voters was present and stated that they are in favor of this request and thanked the Board for their consideration. She added that the Environmental Protection Agency is in support of this as well.

Elaine Dickinson from the Cape Down Winders and Cape Cod League of Women Voters was present and commented that they have been traveling to Plymouth to sit in on these panel discussions. Getting all of the towns to have this on their ballot is important and they appreciate the votes.

Ms. Anderson moved to place the non-binding question regarding withdrawing any plans to discharge any radioactive water into Cape Cod Bay on the 2022 Annual Town Election Warrant, 2nd by Mr. Howell. The vote was 4-0-1 with Mr. MacAskill, Ms. Kavanagh, Ms. Anderson & Mr. Howell voting aye and Mr. Ballantine abstaining by roll call.

B. Discussion and possible vote to close and sign the 2022 Annual Town Election Warrant

Mr. Powers briefly reviewed what will be on the election warrant.

Ms. Anderson moved to close and sign the 2022 Annual Town Election Warrant, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Mr. Ballantine, Ms. Anderson & Mr. Howell all voting aye by roll call.

C. Discussion and possible vote on Interim Finance Director

Mr. Powers reported that we are dealing with a vacancy that will be active as of May 9, 2022. He is looking for direction from the Board and stated that he will be posting the job as Finance Director/Town Accountant. In the meantime, we may expect that we may not be able to fill the position right after Town Meeting. Mr. Powers asked if the Board would like him to reach out to any number of people who can help in the interim. The Board gave a consensus to move forward with seeking assistance for the vacancy.

Mr. Howell stated that he was hoping that we could find someone soon enough to overlap Ms. Coppola's departure so we don't run into any service interruptions.

D. Discussion and possible vote to approve the following Seasonal, On-Premise, Wines and Malt License Renewals. [All renewals contingent upon the Selectmen's Office receiving licensees 2022 Fire Inspection Report within 30 days of opening]

1. Ajg Corp. d/b/a The Weatherdeck Restaurant – 168 Route 28

Ms. Anderson moved to approve the seasonal on premise wine and malt license renewal for Ajg Corp. d/b/a The Weatherdeck Restaurant, 168 Route 28, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Mr. Ballantine, Ms. Anderson & Mr. Howell all voting aye by roll call.

E. Discussion and possible vote to approve the following Seasonal, On-Premise, All Alcohol Liquor License Renewals. [All renewals contingent upon the

Selectmen's Office receiving licensees 2022 Fire Inspection Report within 30 days of opening]

1. 554 Street Bar LLC d/b/a Three Monkeys – 554 Route 28, Unit B
2. The Belmont Condominium Beach Club Corp. d/b/a The Beach – 1 Belmont Road
3. The Lucky Labrador Inc. d/b/a Perks – 545 Route 28
4. Mt Group LLC d/b/a Mad Minnow Kitchen and Bar – 554 Route 28
5. 30 Earle Road LLC d/b/a The Commodore Inn – 30 Earle Road – *Pending receipt of Certificate of Insurance showing Liquor Liability*
6. Pleasant Bay Group Inc. d/b/a Wequassett Inn – 173 Route 28
7. Ember Pizza Inc. d/b/a Ember – 600 Route 28
8. Port Restaurant and Bar Inc. – 541 Route 28

Ms. Anderson asked if the license renewals would be contingent upon the establishments attending the liquor license meetings. Mr. MacAskill responded that would be in effect for next year's renewals. Mr. Howell added that any previous conditions on the license would carry over.

Mr. Howell requested that the Board be flagged when the former Irish Pub location comes up for renewal.

Ms. Anderson moved to approve the seasonal on premise all alcohol liquor license renewals for establishments 1-8 as listed above, adding that any previous conditions on the license would carry over to the next year, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Mr. Ballantine, Ms. Anderson & Mr. Howell all voting aye by roll call.

F. Discussion and possible vote to approve a road race event for the National MS Society to be held on June 26, 2022

Ms. Anderson moved to approve a road race event for the National MS Society to be held on June 26, 2022, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Mr. Ballantine, Ms. Anderson & Mr. Howell all voting aye by roll call.

G. Discussion and possible vote authorize the Chair to sign the Massachusetts Department of Public Health – Public Health Excellence Grant

Ms. Anderson moved to authorize the Chair to sign the Massachusetts Department of Public Health-Public Health Excellence Grant, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Mr. Ballantine, Ms. Anderson & Mr. Howell all voting aye by roll call.

H. Discussion and possible vote to approve a 2022 Annual Common Victuallers license renewal – Stop and Shop Supermarket d/b/a Starbucks at Stop and Shop – Route 39 and Route 137

Ms. Anderson moved to approve a 2022 Annual Common Victuallers license renewal for Stop and Shop Supermarket d/b/a Starbucks at Stop and Shop, Route 39 and Route 137, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Mr. Ballantine, Ms. Anderson & Mr. Howell all voting aye by roll call.

- I. Discussion and possible vote on School Committee Fiscal Year 2023 Budget:
1. Cape Cod Regional Technical High School
 2. Monomoy Regional School District

Mr. MacAskill stated that we are waiting on more information from the schools before moving forward with discussions.

J. Discussion and possible vote on the proposed 2022 Annual Town Meeting Warrant Articles;

1. On request by Conservation Commission: Harwich Water Dependent Structures Bylaw Chapter 304 of the Code of the Town of Harwich

Conservation Commission members Brad Chase & Ernie Crabtree were present.

Mr. MacAskill asked what the commission vote was on this topic. Mr. Chase responded that there was one nay vote and that after a lengthy discussion, the Commission decided that a 5-year moratorium was how they would like to move forward.

Mr. MacAskill stated that a legal opinion was received on this topic and that counsel stated that even though the moratorium might be defensible, it is challengeable. He is going to ask the Board to reconsider putting this on the warrant, then will engage in conversation. Mr. MacAskill feels that there should be a study done first, then the Commission could return with a proposed moratorium.

Mr. Crabtree said that since counsel has provided their comments, the Commission has discussed changes to the proposal. Based on comments that were received from all parties, their thought is that they will expand what is included in the study and that it would not be focused solely on docks and piers. They plan to also look at salt marsh conditions, stresses and impacts to the salt marsh, shellfish quality and habitat, water quality toxins and contributors, mapping sediment source banks and shoaling on the river.

Mr. MacAskill thinks that the study is a great idea and what is at question is the moratorium. Based on the legal opinion that was received, he cannot support the request as presented. Mr. Crabtree responded that the study would happen while the moratorium is in place. Mr. MacAskill commented that is where his issue lies.

Ms. Anderson moved that the Board reconsider the previous vote to put the Harwich Water Dependent Structures Bylaw Chapter 304 of the Code of the Town of Harwich on the 2022 warrant, 2nd by Ms. Kavanagh. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Mr. Ballantine, Ms. Anderson & Mr. Howell all voting aye by roll call.

Ms. Anderson stated that even prior to receiving the legal opinion, she would not look to deny the 8 properties on the river a dock, when we are not sure that the docks are causing the problem. Now that we have counsel telling us that we are setting ourselves up for a potential lawsuit, she is a no vote on supporting the bylaw.

Ms. Kavanagh echoed Ms. Anderson's comments adding that she would rather see a study done before a moratorium is put in place.

Generally speaking, Mr. Ballantine thought that the moratorium had some merit. He now wonders if the moratorium is the wrong action at this point.

Mr. Crabtree stated that the proposal put forth is not limited to the moratorium and that there are a lot of other things in there that have to do with structural changes to docks and piers that have been proven to protect the saltmarsh. The Commission feels that tossing out the entire proposal would be a disservice. Mr. MacAskill agreed, but thinks that there needs to be room for flexibility, again stating that he does not see the basis for a moratorium.

Mr. Chase feels like we have been to this point before in the past. To him, the current regulations are not stopping the intent of the bylaw that has been around since 2009 and he feels that the impacts in Herring River are obvious. Mr. Chase would like to try and find a way to reduce impacts on the resources. Mr. MacAskill responded that private property rights in Herring River come into play for him and he does not see the need for a moratorium.

Catherine Ricks from Coastal Engineering was present remotely with a brief presentation on the bylaw changes. Ms. Ricks showed photos from 1938 to 2018 which show minimal shoreline change as well as photos of scouring and salt marsh growth around piles and oyster habitat.

Ms. Anderson thinks that most people have said that they are in favor of the changes, with the exception of the moratorium. Ms. Ricks agreed that they don't agree with the moratorium as they don't see it is necessary.

Mr. Powers asked if the Conservation Commission is aware of counsel's comments. Mr. Chase & Mr. Crabtree responded that they are not sure that they have seen the comments, but did comment that counsel recommended putting a timeline on the moratorium. Mr. Powers said that in counsel's opinion, the Commission will need to show that there is an existing problem or concern and then identify the steps to resolve it. The Selectmen have relayed that a 5-year moratorium is a problem. At this time, it does not sound like the Commission has been motivated by counsel's comments. Mr. Chase responded that the Commission did talk about the possibility of reducing the time of the moratorium and they decided that 5-years was best. Mr. Powers stated that the moratorium is the issue and that if the Commission expects to move forward and include the moratorium as crafted, it is unlikely that the Selectmen will vote to put the bylaw back on the warrant.

Mr. Chase said that he is disappointed and that the Commission spent a lot of time on this but that he understands the concern that legal opinion has given.

Mr. MacAskill does not want to see the entire bylaw killed because of the moratorium.

Leading up to the moratorium, the Commission discussed at length how to reduce impacts. They talked about setbacks between neighboring docks and increasing setbacks to reduce impacts.

Mr. Howell said that the Commission should take the time do a study, then they would have quantitative data to possibly move forward. Mr. Chase responded that he wants everyone to realize that the Commission did very carefully consider the moratorium and that the decision was not taken lightly. Mr. Howell feels that the Commission should move forward with the study and then come back with any findings.

Ms. Anderson moved to approve the placement of the Harwich Water Dependent Structures Bylaw Chapter 304 of the Code of the Town of Harwich on the 2022 warrant with the Herring River moratorium removed, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Mr. Ballantine, Ms. Anderson and Mr. Howell all voting aye by roll call.

Ms. Anderson moved to accept and adopt the Harwich Water Dependent Structures Bylaw Chapter 304 of the Code of the Town of Harwich on the 2022 warrant with the Herring River moratorium removed, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Mr. Ballantine, Ms. Anderson and Mr. Howell all voting aye by roll call.

2. On request by Conservation Commission: Harwich Wetlands Protection Bylaw, Chapter 310 of the Code of the Town of Harwich

Conservation Commission members Ernie Crabtree and Brad Chase were present.

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Mr. Ballantine asked about the difference of no construction versus no disturb. Mr. Crabtree responded that the Commission rules provide that there can be no structures in the 50' buffer to the wetland resource area. The 60' zone is the buffer between the area where you can put a structure and the no 50' no disturb zone. The Commission is currently seeing a lot of requests to put structures right up against the 50' no disturb area. The Commission feels that by adding the extra 10' will be easier.

Mr. Howell asked what setback has been applied to people who have recently filed. Mr. Crabtree responded 60'. Mr. Howell informed them that they should be waiting for Town Meeting permission to move forward on any bylaw changes.

Mr. Crabtree commented that the Commission is proposing to decrease the size of a regulated wetland from 3,000 SF to 1,000 SF. They have also proposed a provision to authorize the Commission to require that applicants pay a fee for specific engineering and consulting services. Ms. Kavanagh asked at what point in the application process is the applicant made aware of the possible extra fee. Mr. Crabtree responded that it generally comes up at the meetings. Ms. Kavanagh added that might be a time delay for the applicant. She asked if there is a limit on the cost for the consultant. Mr. Crabtree responded that they don't have any way to define the cost.

Mark Sangiolo from 9 Sketcheconet Way was present remotely and asked if the Commission has shown any evidence in their findings with respect to the 50'-60' buffer zone. Mr. Sangiolo commented that he doesn't understand the need for the applicants to pay for an additional consultant. He feels that the Commission beats up the consultants that are hired and that it is not an easy thing to watch. Mr. Sangiolo does not feel that the additional consultant fee is a good idea.

Ms. Anderson moved to accept and adopt the Harwich Wetlands Protection By Law Chapter 310 of the Code of the Town of Harwich on the 2022 warrant, 2nd by Mr. Howell. The vote was 3-1-1 with Mr. MacAskill, Mr. Ballantine & Ms. Anderson voting aye, Ms. Kavanagh voting nay and Mr. Howell abstaining by roll call.

3. On request by Historic District Historical Commission: Amendments to Chapter 131 of the Harwich Code- Historic Preservation Bylaw

Mr. Powers stated that he had discussions with the Historic District Historical Commission Chair earlier tonight. HDHC will be meeting on Friday to get public input. Mr. Powers hopes to have additional language available for Monday's meeting.

4. On request by Town Administrator: Capital Articles

Mr. Powers made a presentation to the Capital Outlay Committee last week with his recommended changes for FY23 in an effort to free up some free cash. He reviewed the sheet in the packet which reviewed the purpose, amount, proposed reductions and notes of capital articles. While each action in the budget has a serious reaction, he understands that the Board is serious about the ever tightening budget constraints.

Mr. Ballantine asked if the reductions were pushed into out years or just removed. Mr. Powers responded that they were completed removed from the FY23 budget but would likely be brought back for future consideration. As required by charter, the plan will be going before the Finance Committee on Thursday.

5. On request by Town Administrator: Collective Bargaining Articles

K. Discussion and possible vote – on all Articles in the draft Warrant for 2022 Annual Town Meeting:

1. Vote to place Articles on Warrant

Dan Bakers from 54 North Westgate Road was present to discuss the citizen petition to amend M.G.L. governing the dispersals of school choice funds that he took the initiative to bring forward. If someone chooses to homeschool or private school their children, they are required to pay 100% of that education while still contributing to public schools. He is hoping to compel the state legislature to look at other accommodations.

Mr. Howell stated that he full appreciates what Mr. Baker is bringing forward.

Ms. Anderson's said that she would be reluctant to take money from public schools and divert it to schools that are a choice for people who have the money for home or private school. Mr. Baker responded that not everyone has the money for home or private schools and this would assist them to keep doing the alternative learning.

Ms. Kavanagh agreed with Ms. Anderson's concerns and added that this will be hard to get changed at the state level. We then would get into the issue of criteria and assessment. If someone can afford private school, she would not want to see the money diverted from public to private schooling.

Mr. Ballantine said that he would support the article.

Mr. MacAskill feels that the state needs to do a lot more.

April Croaker was present and stated that a lot of people remove their children from public school because they feel they have no other choice. Many feel that the public school system is not a safe environment and parents need to have ways to protect their children and should have help when trying to school them at home.

Tracy Craham was present and stated that she homeschooled her children and is now helping to homeschool her grandchildren. They paid for the homeschooling out of pocket, adding that they had a lot of private reasons for choosing homeschool. She suggested that the Board research homeschooling.

Mr. Howell moved to accept and adopt the citizen petition to defray the expenses of the Chase Library and Harwich Port Library on the 2022 warrant as written, 2nd by Mr. Ballantine. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Mr. Ballantine, Ms. Anderson and Mr. Howell all voting aye by roll call.

Carol Kucha Stone was present to discuss the citizen petition to prohibit hunting in Bells Neck Conservation Area. She commented that the conservation land is where many hike, bike, kayak, paddle board, cross country ski and is a local hot spot for dog walking. Ms. Stone has collected over 200 signatures of residents that are against hunting the Bells Neck. She feels that safety is the most important part of this discussion and that there are other places to hunt in Harwich.

Mr. Ballantine asked if there is a hunting season now in Bells Neck. Ms. Stone responded that there are 4 months for duck season and that she is not sure what the season is for deer. While collecting signatures this past weekend, 2 people told Ms. Stone that they saw people shooting seagulls at Red River Beach. She added that there needs to be enforcement of laws to protect public safety.

Mr. Ballantine asked if people hunt after dark. Ms. Stone responded that a 3rd party has told her that they hear gunshots at 4:30 a.m.

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Ms. Kavanagh how many areas in town can hunting occur. Ms. Stone responded that there are 5 or so. Mr. Powers added that he would have to confirm with the Conservation Administrator.

Ms. Stone commented that a woman she knows called the Police Department and Conservation Officer when hunting was happening in the early morning, and that they did not arrive until the next day to investigate.

Ms. Anderson stated that this is a tough request for her. She is not a fan of guns and shooting god's creatures, but understands the amendment where people have the right to hunt. At this time, she is reluctant to move forward.

Mr. Howell noted that this sounds like a solution in search of a problem. He asked what kind of complaints have been made about the area. Ms. Stone responded that she was told of 2 complaints. Mr. MacAskill added that there have been 2 complaints, but both were unfounded.

Mr. Howell stated that he lives at the top of a conservation area and that we he hears a more heavy gauge shot, he will call the police. If we were to ban hunting throughout the country, there would be a lot of people who are denied something that they can legally and safely do.

Ms. Stone has nothing against hunting in Vermont, Maine or New Hampshire, but feels that Cape Cod has changed so much in less than 20 years.

Mr. MacAskill commented that the hunting setbacks are 150' from a road and 500' from a dwelling unless a location is marked for no hunting. There is a fair amount of land in Harwich and we did give up Thompsons Field. Harwich Conservation Trust owns 635 acres of land that you cannot hunt. Deer season has 2 weeks of gun and the rest of the season is bow and arrow. He added that no one stands on a trail and hunts. Everything that has been mentioned so far has been 3rd hand information and all related to people breaking laws. The hunters are being portrayed as criminals. This is an emotional topic for all parties, however the citizen's petition is trying to ban something based on zero incidents.

Ms. Stone informed the Board that another person has a letter that they are preparing to submit on this matter. She asked if she should bring witnesses to Town Meeting. Mr. MacAskill responded that she could. He added that counsel has confirmed that he does not need to recuse himself from these discussions.

Mr. Powers stated that it was unclear to counsel if this was intended to be an unbinding directive for a change in the bylaw. Ms. Stone responded that it is unbinding right now, but asked if would be a big deal to change it to a bylaw. Mr. Powers stated that as it is presented, the request is not in property for to change by bylaw. Ms. Stone requested that the town vote on the matter and would like to move forward with the non-binding option.

Mr. Ballantine moved to accept and adopt the citizens petition to prohibit hunting in Bells Neck Conservation Area on the 2022 warrant, 2nd by Ms. Anderson. The vote was 0-5-0 with Mr. MacAskill, Mr. Ballantine, Ms. Kavanagh, Ms. Anderson and Mr. Howell all voting nay by roll call.

Mr. Howell moved to indefinitely postpone the citizens petition to prohibit hunting in Bells Neck Conservation Area, 2nd by Ms. Anderson. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Mr. Ballantine, Ms. Anderson and Mr. Howell all voting aye by roll call.

Ms. Anderson moved to indefinitely postpone the citizen's petition to protect West Harwich Schoolhouse with Historic Restriction, 2nd by Ms. Kavanagh. The vote was 3-2-0 with Mr.

MacAskill, Ms. Kavanagh & Ms. Anderson voting aye and Mr. Ballantine and Mr. Howell voting nay by roll call.

Ms. Anderson moved to indefinitely postpone the citizen's petition to Sell Historic West Harwich Schoolhouse using Full Provisions of Massachusetts Procurement Law 30B, 2nd by Mr. MacAskill. The vote was 3-2-0 with Mr. MacAskill, Ms. Kavanagh & Ms. Anderson voting aye and Mr. Ballantine and Mr. Howell voting nay by roll call.

Richard Gunderson was present to review the citizen's petition put forward to study the best use options for former Harwich Middle School including recommendations for financial self-sufficiency. His first point of view is why we can't find a better use for that property. The study would provide independent, professional and business developmental guidance. The cost of the study would be \$75,000 and would be paid for from the revolving fund.

Mr. Ballantine commented that the information provided is very detailed. We have had the cultural center for 6 years and it has seen a lot of success.

Ms. Kavanagh feels that there is a lot more that can happen with the building. It was a brand new endeavor in 2016 and it has come a long way.

Ms. Anderson stated that she would rather see the \$75,000 spend on an employee, as we already know what can be done with the building.

Mr. Howell suggested that it might be a good thing for us to sit down and have stake holders involved. Are we doing everything we should be with the building, probably not, but we can surely accomplish more without using \$75,000. There are money making opportunities with the building that are not just from cultural use.

Mr. Gunderson commented that if you don't have a goal, you will end up with what has happened in the last 6 or 7 years.

Mr. MacAskill asked what the cost difference is between the current employee salary and what we are trying to hire, suggesting that it is around \$30,000 difference. His plan is to put someone in charge of the building, give them a job description and build from there.

Richard Waystack was present and commented that he has heard a lot of comparison of this building to the cultural center in Yarmouth. The Yarmouth location is about 1/10 of the size of this building. He feels that if money is spent on a study, it will give the same result as before, which was housing. The community has not embraced giving this building away for housing. Mr. Waystack asked the Board to not endorse this article.

Mr. Powers stated that the town has never accounted for the managers that have overseen this building and operation. There is no other building that is run as a town building that does not have a manager running it.

Mr. Gunderson asked for the Board to go back and watch the tape of previous meetings regarding this building.

Mr. MacAskill stated that the bottom line is that we are not going to go anywhere without an employee for this building.

Mr. Ballantine commented that everyone has come up with options of what the building could be used for. For him at the very least, he would like to have someone come in and decide what the best use of the building is, which might not require a \$75,000 study.

Mr. Howell stated that he is going to support this, but it will not work unless we pull the stakeholders in.

Harwich Chamber of Commerce Executive Director Cyndi Williams was present and stated that during the cultural district process, there were 2 stakeholder meetings held. One for Harwich Port Cultural District and one for Harwich Center.

Ms. Kavanagh moved to indefinitely postpone the citizen's petition to study best use options for former Harwich Middle School including recommendations for financial self-sufficiency, 2nd by Ms. Anderson. The vote was 4-1-0 with Mr. MacAskill, Ms. Kavanagh, Ms. Anderson and Mr. Howell voting aye and Mr. Ballantine voting nay by roll call.

Fire Chief David LeBlanc was present and reviewed the 3 Fire Department requests in the capital plan. All of the request are regarding vehicle replacement. In talking with the Town Administrator and Board Chair, if one of the grants comes through, then they will be able to absorb the match with the Fire Department budget. He stated that he could probably put 2 of the 3 vehicles off until next year, but was concerned that we would be in the same place and continue to kick the can down the road. The vehicle replacement requests are simply a reflection of the age of the vehicles.

Mr. MacAskill asked what the likelihood of receiving the grant would be. Chief LeBlanc responded that they have had great success with obtaining grants.

Ms. Anderson asked what the total cost of the 2 vehicles are. Chief LeBlanc responded approximately \$130,000.

Police Chief David Guillemette was present and stated that as it stands now, they have no cruiser replacements on the capital plan.

Mr. Powers stated that there is currently \$250,000 in the FY23 plan for Brooks Academy renovation project. \$150,000 of that is set aside for an owner's project manager, which the town is required to have in order to go out for construction bid. If we don't have an owner's project manager, we cannot go forward with the rest of the project.

Mr. Powers went on to review other capital article items, commenting that at some point in time, something will need to give.

With regards to the privacy fence, Mr. Howell stated that under no circumstances would he have ever gone for it because it was a promise from Youth and Recreation. He feels that the funds should come out of their revolving fund. As for the Fire Department, Mr. Howell stated that there is no wait until tomorrow for their items and going off schedule would only hurt us.

Ms. Anderson stated that the 2 Fire Department cars are concerning to her.

Ms. Kavanagh agreed with Ms. Anderson and said that she would need more time to look at all of the information provided.

Mr. Ballantine asked for the net effect of the green communities. Mr. MacAskill responded that it is \$167,000. Mr. Powers added that the town has to put up a certain amount of money and if the green communities grant is received, the cost would be offset.

Mr. MacAskill asked that for next week, the Board be provided with a snapshot of what percentage we are with the changes that have been made.

Mr. Howell moved that the \$384,000 amount for the stabilization fund be replaced with zero, 2nd by Ms. Kavanagh. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Mr. Ballantine, Ms. Anderson and Mr. Howell all voting aye by roll call.

In the Police Department operating budget, Mr. MacAskill noted 3 cruisers and asked what the value is. Chief Guillemette responded \$157,000. The cruisers have a much lower shelf life. They have been used as an operating capital expense because they are turned over so quickly. Mr. MacAskill suggested that they be removed from the operating budget and moved into the capital. This will free up room to add back to the position that the Harbor Maser needs and they have a shot at reducing the operating budget.

Mr. Ballantine moved to switch the police department cruisers from the operating budget to the capital budget, 2nd by Ms. Anderson. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Mr. Ballantine, Ms. Anderson and Mr. Howell all voting aye by roll call.

Chief Guillemette completed understands the difficulty that the Board is facing in trying to deal with these budget issues. He did remind the Board that last year they requested no vehicle replacement and the year before they requested one. They are not adding to the fleet, just replacing.

Mr. MacAskill stated that there is already \$250,000 in the operating budget for OPEB and asked if the Board would be comfortable with only a \$250,000 payment for this year.

Mr. Howell moved to remove the \$250,000 from free cash and leave it in the operating budget for OPEB, 2nd by Mr. Ballantine. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Mr. Ballantine, Ms. Anderson and Mr. Howell all voting aye by roll call.

Mr. MacAskill asked if Chief LeBlanc would be willing to sacrifice the pumper truck if they do not get the grant, or he would be ok taking the gamble. Chief LeBlanc responded that they would willing to sacrifice if needed.

With respect to the \$75,000 on the privacy fence, Mr. MacAskill asked if anyone would want to support it this year or band aid it. Mr. Howell responded that he is in favor of the fence, but that the funds should be taken out of the Recreation revolving fund.

The Board agreed that they would be fine with cutting it if the funds cannot come from the Recreation revolving fund.

The Board gave direction to leave on the \$55,000 for beautifying the villages.

Mr. Howell moved to restore \$250,000 back into the capital plan for Brooks Academy building to be paid for by free cash, 2nd by Ms. Kavanagh. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Mr. Ballantine, Ms. Anderson and Mr. Howell all voting aye by roll call.

Mr. MacAskill feels that the Director of Cultural Affairs and Housing Advocate belong in the operating budget. The Board agreed. Mr. Ballantine added that these positions are necessary but that he still would like to see a plan for the Cultural Center going forward.

Finance Committee Chair Jon Chorey was present and said that he was led to believe that these 2 positions had to be in the warrant because they are new fulltime positions. Mr. Howell responded that there would need to be an article on the staffing plan, but they don't need to be an article to be funded. Mr. Powers added that the Board has to endorse any new fulltime position. Mr. MacAskill asked for clarification for next week's meeting.

2. Vote to withdraw Articles from draft Warrant
 3. Recommendation votes including, but not limited to, vote to recommend, accept and adopt or any other action
- L. Discussion and possible vote to approve the job descriptions presented by the Town Administrator:

The Board agreed that the job descriptions are fine as presented.

1. Director of Cultural Affairs

Ms. Kavanagh moved to approve the job description for Director of Cultural Affairs as presented, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Mr. Ballantine, Ms. Anderson and Mr. Howell all voting aye by roll call.

2. Housing Advocate

Ms. Kavanagh moved to approve the job description for Housing Advocate as presented, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Mr. Ballantine, Ms. Anderson and Mr. Howell all voting aye by roll call.

Mr. Chorey feels that the new fulltime Council on Aging position should be included as well.

Ms. Anderson moved to amend the salary and wages line item in the Harbor Master budget by \$11,750 to add the part-time seasonal Assistant Harbor Master position, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Mr. Ballantine, Ms. Anderson and Mr. Howell all voting aye by roll call.

Mr. Howell moved to increase the Community Center budget by \$2,200, 2nd by Ms. Anderson. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Mr. Ballantine, Ms. Anderson and Mr. Howell all voting aye by roll call.

Mr. Powers provided an explanation on the \$60,000 request from DPW. He explained that it is not an enhancement of service, simply an ongoing budget item. Mr. Powers recommended approval.

Ms. Anderson moved to restore \$60,000 to the DPW budget in the expense line item for comfort station cleaning, 2nd by Mr. Ballantine. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Mr. Ballantine, Ms. Anderson and Mr. Howell all voting aye by roll call.

Mr. MacAskill asked if the Board feels comfortable with the Cemetery Administrator's staffing request. Mr. Powers stated that the town should take comfort that the Administration Office will make a plan to ensure that we have the appropriate trained staff to provide back up for the Cemetery Administrator's time off. Ms. Kavanagh added that there is an expertise required with her position. Mr. Powers responded that DPW staff would be trained appropriately.

Mr. MacAskill stated that the Town Band is looking for an additional \$2,500.

Mr. Howell moved to provide an additional \$2,500 for the Town Band's use paid through sponsorship by Recreation, 2nd by Ms. Anderson. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Mr. Ballantine, Ms. Anderson and Mr. Howell all voting aye by roll call.

The Board directed Mr. Powers to find a funding source for the required shed repairs at Town Hall.

The Board and Mr. Powers had a brief discussion on what is involved in adding positions to the roster.

OLD BUSINESS

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

1. Sandy McLardy – Planning Board – Full member – Term expires on June 30, 2022

Mr. Howell requested to postpone this until next week.

Mr. MacAskill argued that this has been on the agenda 4 weeks in a row and thinks it is time to make a decision.

It was agreed to continue this topic until next week.

CONTRACTS

A. Discussion and possible vote on the Cranberry Valley Golf Course Request for Proposal for food concession

Mr. Ballantine moved to approve the Cranberry Valley Golf Course request for proposal for food concession under the terms that were submitted, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Mr. Ballantine, Ms. Anderson and Mr. Howell all voting aye by roll call.

TOWN ADMINISTRATOR'S REPORT

No report was given.

SELECTMEN'S REPORT

Ms. Kavanagh stated that she participated in the town effort for the Ukraine hydrants and that it was a great way for the town to show their support.

CORRESPONDENCE

No correspondence was discussed.

ADJOURNMENT

Mr. Howell moved to adjourn the meeting of the Selectmen, 2nd by Ms. Anderson. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Mr. Ballantine, Ms. Anderson and Mr. Howell all voting aye by roll call.

Respectfully submitted,
Jennifer Clarke
Recording Secretary