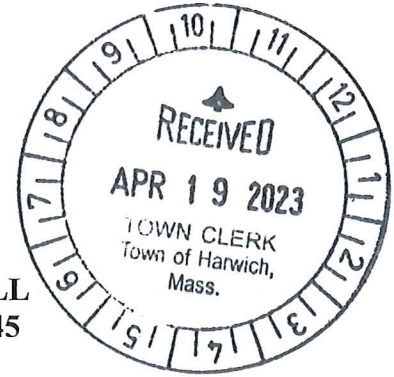


APPROVED



RELEASED

**MINUTES
BOARD OF SELECTMEN'S MEETING
MARCH 27, 2023
DONN B. GRIFFIN ROOM, TOWN HALL
732 MAIN STREET, HARWICH, MA 02645**

MEMBERS PARTICIPATING: Michael MacAskill, Chairman, Mary Anderson, Vice Chair, Don Howell and Larry Ballantine

MEMBERS NOT PARTICIPATING: Julie Kavanagh

CALL TO ORDER: Chairman MacAskill called the Board of Selectmen's meeting back to order after starting in Executive Session at 5:30PM.

EXECUTIVE SESSION

A. Pursuant to G.L. c. 30A, sec(a)(2) to conduct strategy sessions in preparation for negotiations with non-union personnel and to conduct contract negotiations with non-union personnel including those with employment agreements: Chief of Police, Fire Chief and Town Administrator

Mr. MacAskill reported that Executive session was a strategy session in preparations for negotiations for non-union personnel. They did come to an agreement with the Police Chief for a new 3 year contract which has been signed. It will be made public.

PLEDGE OF ALLEGIANCE

Mr. MacAskill invited all attendees to join in the Pledge of Allegiance.

PUBLIC COMMENTS/ANNOUNCEMENTS

A. Committee vacancies

Ms. Anderson reviewed the committees that have vacancies and invited all to fill out a form to have their name on file.

CONSENT AGENDA

- A. Approve Board of Selectmen's Meeting Minutes
 - 1. February 27, 2023
 - 2. March 13, 2023
- B. 1. Board of Registrars Notification of Raymond Gottwald Resignation
- 2. Accept resignation of Raymond Gottwald as Democratic Member of the Board of Registrars

Mr. Howell moved to approve, on the Consent Agenda, the Minutes of February 27, 2023 BOS Meeting and also the Minutes of the March 13, 2023 BOS Meeting and to accept the resignation

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of Raymond Gottwald as Democratic Member of the Board of Registrars. Seconded by Mr. Ballantine. Vote 4:0 in favor. Motion carried unanimously. Members expressed their thanks and best wishes to Mr. Gottwald.

3. Discussion and possible votes on replacements
- * Shirley Knowles
- * Rosanne Shapino
- * Elaine Dickinson

Mr. Howell noted the process for replacing members.

Mr. Howell moved to vote to approve Shirley Knowles as a replacement member of the Board of Registrars as a Democratic member, seconded by Ms. Anderson. Vote 4:0 in favor. Motion carried unanimously.

PUBLIC PRESENTATIONS

A. Wastewater Presentation - GHD

1. Comprehensive Wastewater Management Plan Revision Update
2. Effluent Recharge Site Investigation
3. Route 28 Sewer Project
4. Phase 3 Sewer Project

Dan Pelletier, Water/Wastewater Superintendent and three members of GHD, Jeff Craig, Anastasia Radenko and Mark Drainville were present. Ms. Radenko began the presentation with the Comprehensive Wastewater Management Plan (CWMP). She noted that it is not a zoning plan but rather a plan for anticipated growth. It has targeted revisions to address topics that were raised through public discussion. She also noted the purpose of the project.

Mr. Ballantine noted the original focus of the plan, the evolution to this plan and emphasized the anticipated growth.

Board members asked questions and made comments throughout the presentation.

Ms. Radenko continued with updated information and the status of present projects.

Innovative Alternative Septic Systems (IAS) were explained and discussed.

Ms. Radenko continued discussing both fresh water and salt water bodies. She showed slides regarding zoning and buildout projections, harbors including those that are manmade, population projections over a 20 year period both residential and commercial. She described the process of studying past information and projecting into the future. There was discussion about the projected housing/affordable housing initiatives and the state's involvement.

Mr. MacAskill commented on the 96 units of proposed affordable housing and the unanticipated flow and asked Mr. Pelletier what the effects would be on the bodies of water. The CWMP is a multimillion dollar project impacting Cold Brook and paid for by taxpayers.

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Mr. Pelletier replied that flows for each watershed were based early 2000's water use. The affordable housing project, because it is through the state, doesn't have to adhere to local zoning which puts it in conflict with the local zoning that the flow neutral regulations are based on. The town would ultimately have to take action to accommodate the development.

Mr. MacAskill asked how this is factored in with the state, with the reality that they're already doing a sewer project that's been funded that this development did not factor into.

Mr. Pelletier acknowledged the difficulty of coming to an answer. He replied and noted the different considerations, the flow neutral Bylaws and the uncertainty of whether they can recover any additional money because of the state affordable housing. He noted the procedure for the state if the affordable housing project is constructed prior to sewerage on Sisson Road.

Members offered comments and suggestions.

Ms. Radenko continued with the presentation. She gave an update of the treated effluent recharge evaluation and explained what that is and how they gathered information for the analysis and what information they will be gathering in the future.

Members of the audience asked questions and received answers.

Mr. Drainville continued the presentation with a screen on the topic of the Route 28 sewer work, the schedule and time line. He discussed the situation with Wequasset, what conversations have taken place and what Wequasset proposes to do.

Ms. Radenko continued with a chart of potential flows to Chatham and the inter-municipal agreement, INI (infiltration and inflow) and flow values.

Mr. Pelletier commented that the flow numbers are conservative. Regarding Wequasset, phase 2 and 3, he feels they are in the ballpark with the existing IMA with Chatham. However, as things progress, further conversation with the Town of Chatham may be necessary to increase the flow. We are currently not close to the 300,000 gallons. He continued with design adjustments that were made in regard to the last Select Board meeting and noted specifically Route 39 which he described in detail. He also noted that they are at approximately 60% with their design, he described two plans, what each one entails, the cost estimates and what is included in the cost estimates. He noted that the town will be looking at appropriating a minimum of 50 million dollars.

Mr. Howell noted that the town has to get the appropriation first and then put it out to bid. It cannot be done in reverse. This is the path that the DRP wants them to go to get SRF eligibility.

Mr. Craig noted various funding and that there could be approximately 35% principal forgiveness. He also described their Clean Water Trust and other payment options.

Mr. Pelletier noted that he has contacted Hilltop Securities to work with them in establishing what the impacts are to tax payers.

Mr. Drainville continued with the presentation noting the cost management and explained that when there is a more refined cost estimate they can then, if necessary, look at alternate items for bidding. He also noted the grinder pumps, the situation and negotiating with Wequassett and the timing and importance of permitting to cross Route 28. The next big step, if doing an alternative bid, figuring out which streets will be prioritized. Mr. Drainville discussed the schedule as it is now and the possible timeline for the project.

Mr. MacAskill noted that this information is in tonight's packet and will also be on the website under the Wastewater tab as an update.

NEW BUSINESS

A. Discussion on FY2024 Department Operating Budget

(Chairman MacAskill stated A is to be discussed after E.)

B. Discussion on FY2024 Monomoy Regional School District Budget

A handout was distributed which will be included in next week's packet,

Dr. Carpenter, Superintendent of the Monomoy Regional School District and Meredith Henderson, Vice Chair presented a summary of the Budget in a slide presentation. He specifically noted items that were different from their previous presentation.

Board members asked questions and expressed concerns. Mr. MacAskill commented that the School Committee had voted two curriculum directors and asked Ms. Henderson for her input. Ms. Henderson explained why they voted for two curriculum directors, what their responsibilities would be and how they would affect the needs of the students.

No votes were taken on this topic.

C. Discussion on proposed changes to Monomoy Regional School District Agreement

Dr. Carpenter offered an update on a discussion to clean up the language and remove obsolete things. He commented that it's a long, involved process. Sharon Pflieger asked how many students are in the special needs and learning disabilities categories and expressed the needs for specialized teachers. Dr. Carpenter replied, approximately 20 % and explained that there are more, including children who are struggling but are not in those categories.

No votes were taken on this topic.

D. Discussion on 2023 Annual Town Meeting Petition Articles

Mr. MacAskill explained that he will allow the petitioners a brief time to explain their petition Article and the public will be given an opportunity to speak. The BOS will be voting to support

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or not but the Articles will be on the Warrant at Town Meeting and debated on the Town Meeting floor.

1. Prohibit balloons

Patrick Ottman of East Harwich, petitioner, explained the petition in detail and expressed his concerns. Board members expressed their opinions and concerns. Leo Cakounes suggested a bylaw that prohibits the release balloons.

Mr. Howell moved to accept and adopt this Article and place it on the Town Meeting Warrant, seconded by Ms. Anderson. Vote: 0:4 unanimously opposed.

2. Plastic Reduction

Bonnie Bridges, petitioner, explained the petition in detail and expressed her concerns. Other Harwich residents voiced opinions, some with suggestions of alternatives to disposable to-go containers. Board members expressed their opinions and concerns.

Mr. Howell moved accept and adopt this Article and place it in the Warrant, seconded by Ms. Anderson. Vote 1:3 opposed. (Mr. Howell in favor, Mr. MacAskill, Ms. Anderson and Mr. Ballentine opposed).

3. Prohibit Fertilizer Application

Patrick Otton, petitioner, explained the petition in detail and expressed his concerns. Board members expressed their opinions and concerns.

Mr. Howell moved to accept and adopt this Article and place it in the warrant, seconded by Ms. Anderson. Vote 0:4 unanimously opposed.

4. Town Way Old Brewster Road

A resident(name not stated) noted that Attorney Robert Scarano had sent a memorandum to Board members last week. Mr. MacAskill replied that they did get a legal opinion on these articles and counsel suggested that this be indefinitely postponed because the process for this has not been followed. It should start with the Planning Board. He will ask Staff to get information to her tomorrow. Ms. Anderson read counsel's recommendation.

Mr. Howell moved to accept and adopt this article and place it in the Warrant, seconded by Ms. Anderson. Vote 0:4 unanimously opposed.

5. School Choice

Dan Baker, resident of Harwich presented the Article again this year. He offered his reasons, opinion and concerns. Mr. Cakounes also offered his opinions and suggestions. April Croker, home school parent advocate and representative of the Wholesome Trust Project, noted statistics

and expressed opinions and concerns. Rick Brigham expressed his opinion and expressed

concerns.
Board members expressed their opinions and concerns.
Mr. Howell moved to accept and adopt this Article for inclusion in the Town Meeting warrant, seconded by Ms. Anderson. Vote 4:0 unanimously in favor.

6. Main Street Bog 7. Amend Action of the Town's Annual Meeting 2000, Article 11

Leo Cakounes, petitioner, explained the two petitions noted above. He offered his comments, opinion and suggestions. He gave a brief history on the petition to amend action and noted that he has wanted the property to be part of agricultural education since 2000.

Mr. MacAskill commented that counsel noted that the first of the petitions is proper (Main Street Bog) and that it was better to leave the petitioner's Article in rather than the BOS's Article. Counsel is working on the deed to this property, a vote may not be necessary. He noted, for the record that this taking a long time has a lot to do with the attorneys involved.

Mr. Cakounes agreed and noted that businesses and colleges have shown an interest in the agricultural education aspect.

Mr. Howell noted the reasons that Mr. Cakounes was chosen in the bidding process years ago.

Mr. Howell moved to accept and adopt and include this Article on the Warrant, seconded by Ms. Anderson. Mr. MacAskill clarified that there are 2 legal counsel working on these petitions. Vote 4:0 in favor.

Mr. Howell moved to accept and adopt the second Article and include in the warrant, Amend Action on the Town's Annual Meeting 2000, Article 2000, seconded by Ms. Anderson. Vote 4:0 in favor.

A. Discussion on FY2024 Department Operating Budget

Mr. MacAskill noted that this is on the agenda as a place holder and will be discussed again next week. No questions or comments were offered.

E. Discussion of 2023 Annual Town Meeting Warrant Articles

1. Vote to place additional articles
2. Vote to support and recommend articles for 2023 Town Meeting Warrant

Mr. Howell moved to accept, adopt and include in the warrant the Monomoy Regional School District Budget with an estimated cost of \$28,469,466, seconded by Mr. Ballantine. Vote 4:0 in favor.

Mr. Howell moved to put on the Warrant and to accept and adopt Article 11, Lease Purchase Agreement, seconded by Ms. Anderson. Vote 4:0 in favor.

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Mr. Howell moved to accept and adopt and place on the Warrant Article 15 Capital Plan, seconded by Ms. Anderson. Vote 4:0 in favor.

Ms. Anderson moved to accept and adopt and place in the warrant the Capital Plan, seconded by Mr. Ballantine. Vote 3:1 (Mr. Howell opposed)

Mr. Howell moved to place Article 37 Amend Zoning Bylaw C325 Article 5 use regulations relating to ADUs on the Warrant, seconded by Ms. Anderson. Vote 4:0 in favor.

Ms. Anderson moved to adopt and support Amend Zoning Bylaw C325 Article 5 use regulations relating to ADUs, seconded by Mr. Ballantine.

Mr. Howell suggested that they wait until the Planning Board hearing is done before they vote.

Ms. Anderson withdrew her motion and Mr. Ballantine withdrew his second.

Mr. MacAskill commented that if they could get 5 more units of workforce housing out of a change this year, it's a good change. This Article will be brought back next week.

Mr. Howell moved to place on the Warrant and accept and adopt Article 38 Amend Zoning Bylaw C325 Article 17 Flood Plain Regulations, seconded by Ms. Anderson. Vote 4:0 in favor.

Ms. Anderson moved to place on the Warrant and to accept and adopt Article 39 Amend Zoning Bylaw C325 Article 22 Large Scale Ground Mounted Photovoltaic Bank Arrays, seconded by Mr. Howell. Vote 4:0 in favor.

Mr. Howell moved to accept and adopt and place in the warrant Article 40 relative to the regional school agreement between the towns of Chatham and Harwich, seconded by Ms. Anderson. Vote 4:0 in favor.

Mr. Howell moved to place on the Warrant and to accept and adopt Article 42 Acquisition of an easement at 129 Route 28 for Route 28 Water Main Project with an estimated cost of \$10,000, seconded by Ms. Anderson. Vote 4:0 in favor.

Mr. Howell moved to place on the Warrant and accept and adopt Article 43 Authorize Selectmen to convey parcel of land at 276 Queen Anne Road, seconded by Ms. Anderson. Mr. Howell noted the importance of this property being commercially zoned. Vote 4:0

Mr. Howell moved to place on the Warrant and to accept and adopt Article 44 Acquisition of Forest Street Property at an estimated cost of \$5,000, seconded by Ms. Anderson. Vote 4:0 in favor.

Mr. Howell moved to place on the Warrant and accept and adopt Article 45 Authorization Payment in Lieu of Taxes Pilot Agreements, seconded by Ms. Anderson. Vote 4:0 in favor.

Linda Cebula, Treasurer and Anita Doucette, President of the Harwich Historical Society spoke in support of the Brooks Academy Museum request for use of Sinking Funds.

Mr. Howell moved to place on the Warrant and to accept and adopt Article 47 Supplemental Funding for Brooks Academy Renovations with an estimated cost of \$475,000, seconded by Ms. Anderson. Vote 4:0 in favor.

Mr. Howell moved to place on the Warrant and adopt Article 48 Supplemental Appropriation for the Judah Eldredge Property at an estimated cost of \$400,000, seconded by Ms. Anderson. Vote 4:0 in favor.

Mr. Howell moved to place on the Warrant and adopt Article 49 Transfer Free Cash to the Stabilization Fund at an estimated cost of \$1,200,000, seconded by Ms. Anderson. Vote 4:0 in favor.

Mr. Howell moved to place on the Warrant and accept and adopt Article 50 Fund Prior Year's Unpaid Bills at an estimated cost of \$10,696, seconded by Ms. Anderson. Vote 4:0 in favor.

3. Discussion on additional material to be included in the Warrant

No additional material at this time. Ms. Anderson requested an explanation of LPC funding source and allowed use of CPC money.

F. Discussion on authorizing Town Administrator to be the assigned individual for grant programs/funds including American Rescue Plan Act (ARPA) and related pandemic funds

Mr. Howell moved to authorize the Town Administrator to be the assigned individual as noted, seconded by Ms. Anderson. Vote 4:0 in favor.

G. Approve a New 2023 Seasonal Common Victualers License for Seagulls Sweet LLC d/b/a Seagulls Sweets - 537 Route 28

Mr. Howell moved to approve a New 2023 Victualers License as presented, seconded by Ms. Anderson. Vote 4:0 in favor.

H. Approve the following 2023 Seasonal Common Victualers License Renewals:
1. Schoolhouse Ice Cream & Yogurt LLC - 749 Route 28

Mr. Howell moved to approve the 2023 Season Victualers License as presented, seconded by Ms. Anderson. Vote 4:0 in favor.

I. Approve the following 2023 Seasonal on-premise liquor license renewals:

1. Ember Pizzas Inc. d/b/a Ember Pizza - 600 Route 28
2. Pelham on Earle Operating LLC d/b/a Pelham on Earle - 30 Earle Road
3. Ashwood Food Services Inc. d/b/a Jake's at Cranberry Valley - 183 Oak Street

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4. Saquatucket Snack Shack LLC d/b/a Dockside - 715 Route 28 Unit A
5. The Port Restaurant and Bar, Inc. - 541 Route 28

Mr. Howell moved to approve the five 2023 Seasonal on-premise liquor license renewals as presented, seconded by Mr. Ballantine. Vote 4:0 in favor.

TOWN ADMINISTRATOR'S REPORT

No report

SELECTMEN'S REPORT

No report

CORRESPONDENCE

No correspondence

ADJOURNMENT

Mr. Howell moved to adjourn, seconded by Ms. Anderson. Vote 4:0 in favor.

Respectfully submitted,

Judith R. Moldstad
Board Secretary

