

RELEASED

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TOWN CLERK
HARWICH, MA

MINUTES
SELECTMEN'S MEETING

2022 JUL 26 P 3:25
REMOTE PARTICIPATION/GRIFFIN MEETING ROOM

Monday, April 04, 2022

6:30 P.M.

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

ALSO PARTICIPATING: Town Administrator Joseph Powers

CALL TO ORDER

Mr. MacAskill, Chairman, opened the meeting at 6:30 pm and called to order the Board of Selectmen. He explained that they first opened the meeting at 6:00 pm and went into Executive Session to discuss collective bargaining for all town unions, and no decisions were made.

PUBLIC COMMENTS/ANNOUNCEMENTS

- A. Ms. Cyndi Williams, Executive Director of the Chamber of Commerce, said that she is there to announce a few events that the Harwich Chamber has coming up. She said first, they are happy to announce the Annual Toast of Harwich will be Friday, April 22nd at Wequassett Resort and Golf Club, with various restaurants and beverage tastings. She said that VIP starts at 6:00 pm, and general admission starts at 7:00 pm. The silent auction begins Friday, April 15th, at the Chamber, and then they will be doing a live auction at the event from 8:00 to 9:00 pm.

Ms. Williams said that next, Art Week in Massachusetts is May 1st to the 8th, and the Harwich Chamber of Commerce will be presenting a prelude to Art Week at 204 Sisson Road, and sharing the Harwich Cultural Center's artists and resident makers. The events will go through Saturday, April 30th, from 2:00 pm to 6:00 pm with open studios where the public can come and visit with the resident artists and makers, and from 4:00 pm to 6:00 pm, they will be presenting an art exhibit with reception (non-alcoholic beverages and appetizers) in the library. This is called Resilience, where artists will be submitting blue and yellow works, depicting the role of art in the time of crisis. She said that on Sunday, they will be presenting plug and play, showcasing ten local musicians from their Port Summer nights, from 2:00 pm to 4:00 pm, where bands will be rotating and performing. This will take place in the auditorium with full lights and sound system, and they hope the public will come, enjoy the events and truly feel all that 204 Sisson Road has to offer.

- B. Mr. Ballantine said that he heard that Mr. Walter Diggs passed away a few days ago. He said that Mr. Diggs was a long term Conservation Commission Member Chairman and did an excellent job. He said that they will mourn his passing and that he did a lot for the town.

C. Mr. Powers announced that there will be several blood drives taking place during the month of April, supporting the Cape Cod Healthcare. He said that there was a session today in Harwich, at the Public Safety Building, and there will be sessions this week and throughout the month until April 26th. He said that there is always a need for blood, and anyone that is interested in donating can go to the capecodhealth.org/give-blood.

D. Wastewater Update from Water Superintendent

Mr. Dan Pelletier, Water Wastewater Superintendent, said that the last time he was there they had asked about the zero percent or low interest loan program through Barnstable County. He said he was lucky enough to get on the phone with them today and the County has completed their pro forma, they have done their homework, and they are going to be going to the County Commissioners on April 13th for approval to borrow funds from the Clean Water Trust. He said that it could take anywhere from 4 - 6 weeks and the program should be up and running by the end of the quarter. He said anyone out there who is in receipt of an order to connect, and looking to pursue a loan through the Barnstable County Septic Loan Program, the end of the quarter is the latest and greatest, as far as timing. He said beyond that, April 18th is the week that Robert B Our will be starting at Continental and Whidah Drive, so they will be beginning that work shortly.

Mr. Russell Kleekamp, Senior Project Manager, GHD, said that he wanted to give the board an update on the CWMP revisions. He said they recently completed the public input part of this assignment, and that included one virtual meeting, one in-person meeting, and a number of phone calls and emails that were sent to himself and other GHD staff. He said in their packet is a list of all of the comments they got, and how they document and record all of the public comments. He said that the majority of the comments they got were on protection of the freshwater ponds, and specifically the phasing of the sewerage around the Great Sand Lakes. He said he received a number of calls from residents with concerns about irreversible damage and things of that nature on fresh water ponds. He reached out to the Great Sand Lakes Association and they had an educational meeting about these things and specifically how the ponds would be addressed in the CWMP. Mr. Kleekamp explained that typically the CWMP, or Comprehensive Wastewater Management Plan addresses the wastewater threats to these ponds, such as, nitrogen and phosphorus, but there is also a significant threat from storm water. He said that what he is proposing tonight, after hearing the feedback from the residents, is to amend the scope of the CWMP, to include the storm water threats to the ponds. This will include some field research, drainage area, delineation mapping of catch basins and the outfalls to the ponds, and then coming up with a selection of the different technologies that can be put in to remove the nutrient threat. He said that it will all be included in the report, so that they will have all of the information they need if they want to move right into a design phase and look for grants. They are not going to lessen the scope for any of the wastewater related items, this would strictly be an additional item and can be packaged as a separate memo, if that's more appropriate as a section of the report. He said it will really address all of the comments that they heard about. He asked if there were any questions?

Mr. Ballantine said that there was certainly a lot of interest in the ponds, and asked when they do this report, will it be linked to the State? He said that some of these drainage are State roads, and the MS4 seems to have excluded themselves from responsibility. He said that he would hate to see that left out of this report, so if they need to press them to get involved they will have the information to do so.

Mr. Kleekamp said that is correct and the MS4 is the storm water permit that the Town has to handle, but that really only requires action to ponds that are impaired, that are on the 303d list. He said with the Great Sand Lakes and Skinequit Pond, these are much smaller ponds and they are not on the 303d list. Therefore, given the size, they will not be addressed as part of the verbatim of the MS4, and the State does have responsibility for Route 28. They have done a bunch of these, and it's just easier to collect and map the catch basins, delineate the drainage areas, and things like that, because a lot of times you have runoff from a State road that ends up on private property and other unique circumstances. He said he would like to get through a lot of that as part of this assignment.

Ms. Kavanagh asked to confirm, that when they do the analysis, that there will be no additional cost to the Town, that they will collect the information and based on the findings come up with a priority list?

Mr. Kleekamp said that is exactly what they will do. He said that they will see where the hot spots are around the ponds and what will give the most bang for the buck, and capture the most pollutants. He said they generally do prioritize the implementation, and that's based on the maximum nutrient removal for the dollar spent.

Ms. Anderson said that they had her at no extra charge.

Mr. Howell said that they were not posted to actually vote in favor of anything, that he understood it was just a presentation. He said that he agreed with everyone else and that it would be a great addition because they are polluting other bodies of water and should be looking at them.

Mr. Kleekamp said that he has been working on the Cape for 20 years doing this, and this is his opinion, but the CWMP has laid off the emphasis of freshwater ponds, and he would like to make this a model going forward. He said to have Harwich be the standout for the protection of the freshwater ponds. The Cape Cod Commission just released their 2021 pond atlas, which is a fantastic document, and talks about all the ponds and threats and he is excited to include this.

Mr. Alan Thompson, Water Wastewater Commissioner said that as far as the ponds go, he thinks they are 25-30 years too late. He said that it is tragic what has happened at Bucks Pond and shame on the Town for not doing something about it. He said that they put a rock bed in there to help contain it, but it just washed over all of it, and it is a tragic mess. He said that even John Joseph, all of them are severely impaired and anything that they can do for drainage to stop the runoff, and the pollution, should be done. He said that they need

to put it on the list, and set some priorities, because they used to be a beautiful asset and somewhere along the way they may affect the drinking water.

Mr. Ballantine said that Mr. Thompson made a good point, and said that here may be fixes that may not be that expensive.

Mr. Kleekamp said that they have both in the world of storm water, and that the BMP's (Best Management Practices) can be either structural, which is a physical drainage structure such as a catch basin or leech pit, or it can be non-structural, which is education. He said he got stumped on a couple of questions, such as, what is the maintenance on septic systems and what is the list of household products with nitrogen phosphorus. He said he looked it up and got back to the Great Sand Lakes with the answers. He said there are some amazingly low-cost things, and sometimes it's just as simple as a berm restoration.

Mr. Pelletier said he wanted to add, that he would like the document from the CWMP to also incorporate the storm water and fresh water action items. He said that they are really addressing both salt and fresh water with the Comprehensive Management Plan, so it is really incorporating everything.

Ms. Ann Frechette said that she lives at 10 Paradise Path which is right on John Joseph Pond and she is there representing the Great Sand Lake Water Quality Committee. She read the following letter into record; The members of the Great Sand Lakes Association Water Quality Committee recommend and actively support all recommendations to prioritize the construction of sewers on Queen Anne Road in Phase III of the Comprehensive Wastewater Management Plan. Scheduling Queen Anne Road last, as in the current version of the CWMP by CDM Smith, will in all likelihood render the ponds unusable for recreational use, and negatively impact property values throughout the neighborhood. As far back as 2007, there have been warnings about water quality in Bucks and John Joseph's Ponds and recommendations for change. Fifteen years later, nothing has changed, as far as the protection of ponds is concerned, and data that we collect routinely from June to September show that baseline levels of E.coli have shifted to a new normal, higher than before and excess mineral content favorable to cyanobacteria growth has reached a threshold where it is now becoming a serious health problem. As recently as the summer of 2021, APCC, the Association to Preserve Cape Cod, put John Joseph Pond in the red category for three weeks due to a potential cyanobacteria bloom, based on their testing protocols. Then, in the Fall of 2021, a concerning, very widespread algae bloom was observed with video documented off of Association Beach on Buck's Pond. Unfortunately, the bloom occurred outside of our normal testing window so we do not have definitive proof that it was cyanobacteria, but we're still very concerned nevertheless. Our recommendation for the revision of the CWMP is to follow the water flows from north of Route 6 through the Great Sand Lakes to Thompson's Field, then South Harwich and Chatham. In the ocean it makes more sense and is more efficient and effective to work along the natural contours of the water flow, than to jump around from one area of Harwich to the next, as the current CWMP proposes. We are at a point now in which Town, and even potential County and Federal, funding is available and Water Department and contractors seem willing to prioritize the Great Sand Lakes neighborhood members of the

GSLA Water Quality Committee hope that our input and interest in preventing further water quality degradation are given a fair hearing and that a decision favorable to the preservation of our ponds is forthcoming. Our ponds are essential to the quality of life in our neighborhood, we use the ponds for swimming, fishing, sailing, kayaking, windsurfing, paddle boarding, and many other activities. Families across multiple generations enjoy time together in the water and on the ponds and public beaches. Our annual neighborhood picnic on Association Beach would not be the same without kayak and sailing races around Bucks Pond, so please work with us just to preserve the ponds. We appreciate your support.

Ms. Frechette said that she had two follow-up comments, the first is that since they wrote that letter on March 18th, they did have their March 30th meeting with Mr. Kleekamp and Mr. Pelletier. She said that they had 57 households show up, which is a significant number of households on their pond. She said it was very favorable, and everybody was excited that there is the possibility that they could be taking action to support their ponds. She also added that on a personal note, how important the ponds are to her and her family, and she does not want to have to tell her children they can't use the pond because it could make them sick. She would like to encourage the Board to work with them, and work with Mr. Kleekamp and Mr. Pelletier.

Mr. Kleekamp said that there is some more good news and said that every town has been hammered with ARPA Funds, County Funds, Infrastructure bill. He said some of it makes sense, a lot of it doesn't, but they have been seeing that the Clean Water Trust is getting a lot of money put into it. He said that the Clean Water Trust administers the SRF, the loan program, and they are getting a bunch of money from the infrastructure bill with potentially a 48% principal forgiveness over the next five years. He said that they need to think about this, and going back to the public comments, they have an area above Great Sand Lakes, and because the town did the sewer CAD model, they have that entire sewer system designed. He said it is the last area that is proposed to connect to the Town of Chatham, or would go to Chatham's treatment facility. If this program is being offered for the next five years, with potentially 48% debt forgiveness, they can kind of see the stars aligning and this may be good to do sooner than later. Mr. Kleekamp said that he and Mr. Pelletier need to talk more about it, but that is what they are thinking about, as they are in the process of designing Phase III.

Mr. Pelletier said that it would be an excellent candidate for the Town to get some principle forgiveness back. He said beyond that, as Mr. Kleekamp just indicated, outside of Phase III in Great Sand Lakes, unless someone builds a treatment plant that they can send wastewater to, they will be up the creek without a paddle. He said if they wanted to make best use of this money, and try to get it inside the next five years the next logical place to look is Great Sand Lakes.

Mr. Kleekamp said that size wise, it is not anywhere near the magnitude of Phase III, it is a relatively small area, it's just one pump station.

Mr. Pelletier said to switch gears, he thinks it is important to keep the Board, and the public, up to speed with what is going on and how things are progressing. He would like to suggest

doing recurring monthly updates on the CWMP. He said that the next discussion they would like to bring before the board would be about the build out and how to handle that in the CWMP revisions. He said they have a couple of ideas, but it is ultimately the Board steering the ship.

Mr. MacAskill said that they can work on picking a monthly date.

Mr. Powers said that they have talked about that, and have some ideas in mind on the monthly updates.

Mr. Howell asked if they have a real version of the CWMP questions and answers?

Mr. Kleekamp said that they will have a one-page summary, that lists the general topics.

CONSENT AGENDA

- A. Vote to accept a gift from Mr. Paul Doane to Town of Harwich for the project at Crowell Barn in the amount of \$10,000
- B. Vote to approve a Caleb Chase request in the amount of \$671
- C. Vote to approve Board of Selectmen Meeting Minutes:
 - 1. December 8, 2020
 - 2. September 13, 2021
 - 3. September 20, 2021

Ms. Anderson moved to approve items listed as A, B and C above. Seconded by Mr. Howell.

Roll Call Vote: Mr. Ballantine - Aye, Ms. Kavanagh - Aye, Ms. Anderson - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye. Motion carried at a vote of 5-0-0.

- D. Vote to approve the appointment of Ann Tucker to the Planning Board – Term to expire June 30, 2022

Ms. Anderson moved to approve the appointment of Ann Tucker to the Planning Board – Term to expire June 30, 2022. Seconded by Mr. Howell.

Roll Call Vote: Mr. Ballantine - Aye, Ms. Kavanagh - Aye, Ms. Anderson - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye. Motion carried at a vote of 5-0-0.

NEW BUSINESS

- A. Discussion of the Harwich Mariners Athletic Association request to build a merchandise shack at Whitehouse Field with their own funding as a gift to the town

Mr. Powers said that they have in their packet, a request from the Harwich Mariners to construct and then gift the Town a new merchandise shack. He said that they want to construct it in such a manner, that is consistent with the bathrooms, which were built in 2016, and also gifted to the Town. The Mariner's request went before the Rec and Youth Commission last week and the Commission supports the request, with the stipulation that all permits and approvals be fulfilled by the Mariners and all funding comes solely from the Mariners. He said that the manner that they did it with the bathroom, they had a license agreement, where they make reference to the construction, the gift, and then if so directed, he can work with Ms. Mary Henderson and her group with the Rec and Youth Commission to get the license agreement going for the Merchandise Shack. Mr. Powers said that it is his understanding that they already have the funding, they've done the fundraising drives, and it's not as complex as the bathrooms were, so it is entirely possible that they can meet their goal of June of this year.

Mr. MacAskill asked what action was needed? Mr. Powers said that if the Board is agreeable and provide direction to him and can get started with the paperwork.

Mr. MacAskill asked if there were any questions from the Board and confirmed that Mr. Powers is so directed.

- B. Discussion and possible vote to approve a 2022 Seasonal Trampoline license renewal – The Trampoline Center – 296 Route 28

Ms. Anderson moved to approve the 2022 Seasonal Trampoline license renewal – The Trampoline Center – 296 Route 28. Seconded by Mr. Howell.

Roll Call Vote: Mr. Ballantine - Aye, Ms. Kavanagh - Aye, Ms. Anderson - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye. Motion carried at a vote of 5-0-0.

- C. Discussion and possible vote to approve 2022 Seasonal Common Victuallers license renewals for the following;

1. AJG Corp. d/b/a The Weatherdeck Restaurant – 168 Route 28
2. 554 Street Bar LLC d/b/a Three Monkeys – 554 Route 28
3. Wychmere Harbor Functions LP d/b/a Wychmere Harbor Beach & Tennis Club – 23 Snow Inn Road
4. MT Group LLC d/b/a Mad Minnow Bar & Kitchen – 554 Route 28
5. Lucky Labrador Inc. d/b/a Perks – 545 Route 28 – Pending Building Department Approval

Ms. Anderson moved to approve items listed under C, items 1-5, as listed above. Seconded by Mr. Howell.

Roll Call Vote: Mr. Ballantine - Aye, Ms. Kavanagh - Aye, Ms. Anderson - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye. Motion carried at a vote of 5-0-0.

D. Discussion and possible vote to approve 2022 Seasonal Entertainment license renewals for the following;

1. Wychmere Harbor Functions LP d/b/a Wychmere Harbor Beach and Tennis Club – 23 Snow Inn Road Requesting: Weekday 11:00 a.m. to 10:00 p.m. outside and 11:00 a.m. to 1:00 a.m. inside Sunday 11:00 a.m. to 10:00 p.m. outside and 11:00 a.m. to 1:00 a.m. inside Entertainment Type: DJ, Band, Live/Recorded Music, Amplification and dancing by live performers and patrons 2021 License: Weekday 11:00 a.m. to 11:00 a.m. inside and 11:00 a.m. to 10:00 p.m. outside Sunday 11:00 a.m. to 1:00 a.m. inside and 11:00 a.m. to 10:00 p.m. outside Entertainment Type: Live or recorded music with amplification and dancing

Ms. Anderson moved to approve the 2022 Seasonal Entertainment license renewals for Wychmere Harbor Functions LP d/b/a Wychmere Harbor Beach and Tennis Club – 23 Snow Inn Road, as listed above. Seconded by Mr. Ballantine for discussion.

Mr. Howell said that he is a little troubled by the Sunday times, because it is amplified within proximity to the Episcopal Church. He said that 11:00 am is kind of an austere ask, because he does not believe a wedding reception will be beginning that early, and would like that pushed back an hour.

Mr. Ballantine said on the other end, they have been mostly asking for 12midnight, rather than 1:00 am.

Mr. MacAskill said that the matrix shows a lot for 12midnight, some at 12:30 am, but this particular establishment was 1:00 am, last year.

Ms. Anderson said going back to Mr. Howell's comment, and asked if 11:00 am is what they had last year, because she thinks if it is for brunches, they will not have a ruckus band there at 11:00 am. She added that they had one complaint there, which was from a door left open.

Ms. Kavanagh said she would agree with Ms. Anderson that on a Sunday morning at 11:00 am, they won't have some big loud band that would impact the church.

Mr. MacAskill said that he does not have a problem with it, it is a private club and a wedding venue. He said that they have shown to be very responsible.

Mr. Ballantine said that he would agree with sticking with what they had last year, and withdrew his concerns.

Mr. Bob Nickerson, resident on Davis Lane, Harwich Port, said that his concerns are that they don't say where the music will be outside. He said with the new

rooftop bar, on the third floor, if they have a DJ and dancing, there is no way that it won't be heard on Route 28, never mind the neighborhood. He said that he just wants clarification for where they plan to have some of these events outside, because they have not had a DJ before or live band before. He asked, at what level are the neighbors going to have to listen to this? He said it is unfair because there are a lot of expensive homes sitting there overlooking the beach and to have to listen to this seven days a week from 11:00 am to potentially 10:00 pm, is a lot to ask.

Mr. MacAskill asked if that building was open at all last year, and if they had bands outside last year?

Mr. Nickerson said that the building had not been open, it is just ready to open now, but they did have bands last year. He said if they are outdoors and stay contained and not past 150', then it is fine, but he is not seeing it with this new building. He said that he voiced his concerns when they came in for the permit for the building, and with the height of the building and it has taken away views. He said that the Board has done a great job with the bylaws and emphasizing of the liquor stuff, but he said they will hear the noise and they don't want to have to be calling all of the time to complain. He said that it is his feeling to put the onus on them to make sure they stay in control, to meet those regulations, and if they do then everyone will be happy.

Ms. Kavanagh said that as follow up to Mr. Nickerson's comment about the height of the building, she said that it is that high because it had to be to be flood compliant, according to the bylaws of the ZBA. She said that she does agree that they have not had that height as far as noise traveling and that they have had other facilities provide a site plan and maybe they should go and take a look because noise will travel a little bit differently at that height.

Mr. Nickerson said that they should be asked their plan because it is not clear.

Mr. MacAskill said that part of this is that they have a very broad licenses, and often when they have asked how often a band will play, it is not that often. He asked what the Board would like to do?

Ms. Kavanagh said that they should do a site visit, like they did for The Harwich Inn, so that they can listen to the noise and to see the set up and see if they can help deter some of it.

Mr. MacAskill said the owners of this business are good partners with the Town, and they would welcome them to come down and look at what they're doing.

Mr. Nickerson said that the idea would be to solve the problem, before it becomes a problem.

Mr. MacAskill said that the onus is on them, so if they get noise complaints, and he has no problem pointing that out again, but they have been very clear with the liquor and entertainment licenses, at this point and have been warned if they make a mistake.

Mr. Nickerson said how hard it is for people sitting in their yard deciding who should call, because no one wants to call or have the attention.

Ms. Anderson asked if they should withdraw the motion, to do the site review?

Mr. MacAskill said the only problem with that, is that these licenses are on there tonight, because they plan to open and if they don't vote, then they won't be able to open. He said that they can certainly bring back an entertainment license, based on this conversation, if they go there and don't feel that they're doing enough to contain it. He said that the onus is on them this year and they have created every policy and everything that they can to control the music scene in Harwich, now it falls on the owners. He said he does not think they should hold the license up and should vote it subject to a review or conversation.

Ms. Kavanaugh said to Mr. Nickerson's point, let's get ahead of it and address it. She said if they vote subject to a follow up, that works for her.

Ms. Anderson confirmed that they are looking to open April 1st.

Mr. MacAskill asked if Mr. Powers had any problem with the conversation they are having?

Mr. Powers said that he did not, and said that if the Licensing Authority and staff wished to do a site visit, that would be good due diligence.

Ms. Anderson said that her motion included being subject to a site visit. Mr. Ballantine confirmed that is part of his second.

Mr. MacAskill said they will reach out through staff and set up some times for the Board, and anyone that wants to go walk the facility.

Roll Call Vote: Mr. Ballantine - Aye, Ms. Kavanagh - Aye, Ms. Anderson - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye. Motion carried at a vote of 5-0-0.

2. Lucky Labrador Inc. d/b/a Perks – 545 Route 28 – Pending Building Department Approval Requesting: Weekday 11:30 a.m. – 10:00 p.m. outside & 12:00 p.m. – 12:00 a.m. inside. Sunday 6:00 p.m. – 10:00 p.m. outside, 3:00 p.m. – 12:00 a.m. inside, 1:00 p.m. – 12:00 a.m. inside* Entertainment Type: Jukebox, Radio, TV, dancing by patrons & live performers, live/recorded music, amplification.
*Ambient music and/or TV only 2021 License: Weekday 12:00 p.m. to 12:00 a.m.

inside and 11:30 a.m. to 10:00 p.m. outside Sunday 3:00 p.m. to 12:00 a.m. inside, 1:00 p.m. to 12:00 a.m. inside* and 6:00 p.m. to 10:00 p.m. outside Entertainment Type: Live or recorded music with amplification and dancing. *Ambient music and/or TV

Ms. Anderson moved to approve the 2022 Seasonal Entertainment license renewals for Lucky Labrador Inc. d/b/a Perks – 545 Route 28 – Pending Building Department Approval, as listed above. Seconded by Mr. Ballantine.

Ms. Anderson confirmed that it was all the same as last year.

Roll Call Vote: Mr. Ballantine - Aye, Ms. Kavanagh - Aye, Ms. Anderson - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye. Motion carried at a vote of 5-0-0.

E. Discussion and possible vote on how to spend ARPA Funds

Ms. Carol Coppola, Finance Director, said that they received 50% of the ARPA Funds last June, and the total amount that has been awarded to the Town of Harwich is just under \$1.3 million. She said that is the direct funding, and not the county funds. She has some suggestions here of how the Town of Harwich may take advantage of those funds, such as the desperate need for Office 365, for communication, storage, sharing information and things of that nature. She said it is a subscription on an annual basis. The ARPA funds must be fully committed by December 31, 2024, and fully expended by December 31, 2026, so this would allow you a number of years to pay those subscriptions. She said that she received legal opinion from an attorney that felt it was within the guidelines of the expenditure of those funds. She said there are also some other items, one of them is extremely minor, the VNA contract for COVID surveillance, which was not budgeted by the Health Department. She said that they can use these funds for some of their Capital needs, even if they are one-time capital needs. She said some suggestions might be the fence at the Community Center and the golf department vehicle, which is also used by the DPW, so it is an important asset to replace.

Mr. Ballantine said that he liked Ms. Coppola's recommendations.

Ms. Kavanagh said that it would be nice to enter the 21st century.

Ms. Anderson said she is good with this and asked Ms. Coppola if this accounts for the ARPA money they currently have in hand?

Ms. Coppola said that this accounts for 100% of the ARPA money, that has been designated directly for Harwich. They have received half of the just under \$1.3 million, which was in June of last year, and they will receive the other 50% in June of this year.

Ms. Anderson asked if there was potential for additional ARPA money?

Ms. Coppola said that was the next item on the agenda.

Mr. Howell said that he agrees with Ms. Kavanagh, but he said that recognizing that Office 365 is a continuing one-year subscription. He said they should be looking to the end of ARPA, because it will be great to get them going, but once you get it, every single station has to have a subscription. They should be planning for the future, about what happens after that.

Mr. MacAskill asked what action they need to take tonight, if they only need to make an action to approve the request as presented?

Ms. Coppola said that is correct.

Mr. MacAskill said for the public knowledge, this year Office 365 is \$290,526, year two through five will add up to \$796,476, for a total of \$1,087,002. The vehicle for the Golf Department is \$90,000, which would most likely fall under year two, and the Community Center fence and VNA COVID surveillance are both listed under year two to five.

Mr. Howell moved to accept the proposal in front of them for the expenditure of the ARPA funds. Seconded by Ms. Anderson.

Roll Call Vote: Mr. Ballantine - Aye, Ms. Kavanagh - Aye, Ms. Anderson - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye. Motion carried at a vote of 5-0-0.

F. Update from the Finance Director on ARPA County Funds

Ms. Coppola said that Barnstable County will be receiving \$41.3 million for the 15 Cape communities, and they had received half of that allotment already back in June. She said that the Assembly of Delegates passed an ordinance a couple of weeks ago to release \$20 million to the communities, but they have not decided how to split up the money and it could be based on population or tax rate. She said that they received an update today that they should have a decision within the next week, and then the County Commissioners will work to release those funds through a grant application, which will be reviewed for each of the 15 communities, and then the funds will be released. She said that they don't have a final word yet between the County Commissioners and the Assembly of Delegates, for how exactly they will finalize their decisions.

Mr. Ballantine said that this sounds discouraging with having to defend themselves through the application process and that they are trying to bury them in paperwork, versus just distributing the funds.

Ms. Coppola explained that through the Federal Government, the Town of Harwich has reporting requirements and they are working off a 500 page document. She said that they need to meet the regulations of the final rule, and they must report by, or on, April 30th, for

how they have, or will plan, to spend that money. The county is under those same regulations, and have to report directly to the Federal government on how each dollar was spent. She agrees it could have been a letter, or something different.

Ms. Coppola said that the Town of Harwich would be pursuing the \$2 million, and we would be using those funds for the Wastewater Design Project. She said there are many ways this could have been done, but this is the decision they made, because other Counties have done it this way as well.

Mr. Ballantine said he stands by his statement, though he is all for being accountable and reporting, but he does not agree with begging for the grants and then reporting afterwards. He said the government is being inefficient in how they are presenting this, but they will have to live with that.

Ms. Coppola said that they have to do their due diligence. The reviewers will look at the final rule, and compare the Town of Harwich's application to the final rule to make sure it complies. She said at the end of the day, they don't have to give money back because they were not spent in accordance with the categories provided.

Ms. Kavanagh asked if they are releasing the \$20 million based on the parameters that Ms. Coppola just mentioned, but what are they doing with the extra \$21.3 million?

Mr. Coppola said that they have only received 50% of the \$41.3 million thus far, and they would not be able to release all of it, because they do not have it to release.

Ms. Kavanagh said that she remembers when they talked about this survey, and they asked everybody to go on there and do the survey. She said it sounds like they are back to square one, despite everyone taking the time to do the survey. She said her question is if Harwich submits the five different applications for various monies and some of them are rejected, is there a lump sum sitting there and will the money be put aside for Harwich?

Mr. Coppola said that once the Assembly of Delegates makes a decision for how they will split up those funds, whether through population or tax rate, the Town of Harwich will be awarded that sum. She said it will be set aside for the Town of Harwich to do the grant application, and to explain how they are planning to spend that money.

Ms. Kavanagh asked if they should hear in about a week or so?

Ms. Coppola said that is what they heard today.

Ms. Anderson asked if she was remembering correctly that this was the big package with some pretty broad categories that this could be used for?

Ms. Coppola said that based on the Town of Harwich's needs, that they are probably going to want to use it for infrastructure, such as, Clean Water, Drinking Water, or Wastewater.

Mr. Howell said that he wants to build on what Ms. Kavanagh and Mr. Ballantine said, and that it is more of a comment for the public. He said that this sounds like it is layered with judgment, and if they can get past the first round, based on how they decide to base it on. He said it sounds like they are also going to be assessing the merit of the project. Secondly, if they are only looking at it for conformity to opera rules, that is one thing, but it is kind of flies in the face of local control of the money. They still need to know what they are planning on doing, and get the final say.

Ms. Coppola said that based on the questions and answers that happened at the end of the webinar today, it was her understanding that it is just conformity only, and not competitive in nature. She said that the decisions will be made based on the study of that 500 page document, and the CPA firms hired to review the applications. There are administrative costs that were deemed necessary, but she does believe it is simply conformity and they need to conform to the regulations.

Mr. Howell said that he was worried it would be some sort of lightening round that they would have to get into after they were able to win the first round.

Mr. Powers said to add to what Ms. Coppola said, there was a webinar conducted by Barnstable County today. They will both have a role on behalf of the Town, himself as the Requestor, and Ms. Coppola as the Certifier. On the webinar, they presented a demonstration of the potential portal to be used, and there will be at least three different accounting firms. He said that everything they heard, was yes, there is going to be a portal and yes, there is a process. He said that he took it that when the awards are made, there will be less of a risk of losing it when the Federal Auditors come into play.

Mr. Howell said that he is just really concerned because he has experience in Federal Government, and there is a State and there is a local government. He said if this turns out to be spending \$1.50 to get \$1.00, which is not totally absurd when dealing with the Federal Government, then he would be really disappointed.

Mr. Ballantine said that she helped him a little bit, with conformity. He said that his concern was to go to some committee to judge the merit of their project, and he does not want to be in that game. He said he knows they need to conform, but they need to be themselves and decide what is important to them.

OLD BUSINESS

- A. Discussion and possible vote – on all Articles in the draft Warrant as well as prospective Articles for 2022 Annual Town Meeting:

Mr. Powers said that they all of the latest and greatest copy of the Warrant Articles in front of them. He said that there are six articles that they either have not taken action on yet, because the information was incomplete, or in two cases there was language changes made upon further review. He said that he can explain those, and in one instance there was a new

Article, based on the discussion they had last week. He said if they look at the table of contents, they will see Article 4, which has always been there standard article on the operating budget, and on page 11, in the standalone document, they will see the information has been updated with a final number. He said that page 12 has the operating budget table, that typically appears in that section. Mr. Powers asked if they would like him to go through these article by article?

Mr. MacAskill said to go through them article by article, and confirmed that all they have to do on Article 4 is accept the amount and adopt, which was confirmed. He said that this would be a good time to segue into the Safer Grant, which was for a grant for four firefighters and was presented by the Fire Chief. He said that it was not recommended to go forward unless they added something into the budget. He said that the Chief ultimately wanted to make sure that on year 4, these would be picked up into their budget. Mr. MacAskill asked if the Board would like to have that conversation tonight, vote on support, and then come back with the operating budget when they have a final number, or is it fair to say given everything that's been added back in, that maybe it's not the time to add any more money into the budget?

Mr. Howell said that the hour is late, and he was not sure what they would get out of it.

Ms. Anderson said that they should not touch those four positions right now.

Ms. Kavanagh said that she agreed, and she did not know how they would fund it long term.

Mr. Ballantine said that he had some questions about the budget that he would like to raise. He said that on line 26, they have the Operating Budget of \$750,000 and that is clear to him, however, he asked if the administration on line 26 is where the wages were put in for the Cultural Center or the Housing Advocate?

Mr. Powers said that is correct, both positions are presently in that line.

Mr. Ballantine asked if the \$77,000 increase on line 98 covers the Board of Health?

Mr. Powers said that is funding the additional part-time, he said he did not have his large budget book with him.

Mr. Ballantine said that he had the same question on line 104 of the accounts, and assumes that is also for additional part-time?

Ms. Coppola said that the new full-time positions for Council on Aging, is within their salaries and wage line item. The new full-time position for the Health Department is in their line item for salaries and wages, and the two new part-time positions are in Administration.

Mr. Ballantine said he was just trying to track this, and asked if the same was true of the Building with 115, is that an increase for salary wages as well?

Mr. Powers said that Building reflects the unwinding of Community Development salaries for Executive Assistance within the building, and it also goes from the part-time inspector to the full-time.

Ms. Coppola interrupted and said no, that all of the Executive Assistants that were prior to that, this fiscal year, are in Community Development. She said that one went to Planning and some went to Building and Health. So that that Community Development salaries and wages is now budgeted at zero.

Mr. Powers said that line 58 reflects what Ms. Coppola had just mentioned.

Mr. Ballantine said that he just wanted to be clear in his mind that they were covering what they talked about.

1. Vote to place Articles on Warrant

Ms. Anderson moved that they vote to accept and adopt the town operating budget with an estimated cost of \$42,188,893. Seconded by Mr. Howell.

Roll Call Vote: Mr. Ballantine - Aye, Ms. Kavanagh - Aye, Ms. Anderson - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye. Motion carried at a vote of 5-0-0.

Mr. Powers directed them to look at Article number 10, on page 15. He said that the article now refers to funding The Cape Cod Community Media Center, and that he had incorrect language last time. He said what is on pages 15-16 is the Town's funding of that joint effort and it is a standard Article that they have done, but it is correcting the language.

Mr. MacAskill asked what the funding source is?

Mr. Powers said that it comes from the Public Education Government Grant Access and Cable Related Fund.

Ms. Anderson moved that they place Article 10 Fund Cape Cod Community Media Center, for the estimated amount of \$147,302 on the warrant, as presented. Seconded by Mr. Howell.

Roll Call Vote: Mr. Ballantine - Aye, Ms. Kavanagh - Aye, Ms. Anderson - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye. Motion carried at a vote of 5-0-0.

Ms. Anderson moved that they vote to accept and adopt Article 10 Fund Cape Cod Community Media Center, as presented with an estimated cost of \$147,302. Seconded by

Roll Call Vote: Mr. Ballantine - Aye, Ms. Kavanagh - Aye, Ms. Anderson - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye. Motion carried at a vote of 5-0-0.

Mr. Powers said next they can see on page 17, Article 13, Adopt the Capital Budget. He said what they see on page 17, is the final number that reflects the changes that they made last week. He said he should have also referenced that in the Warrant, Appendix B is what they were going through before is the Operating Budget, and Appendix C is the Capital Budget. He said that this has been placed but they will need to accept and adopt, if that is what they agree.

Ms. Anderson moved that they vote to accept and adopt Article 13, the Capital Budget in the amount of \$3,446,298. Seconded by Mr. Howell.

Roll Call Vote: Mr. Ballantine - Aye, Ms. Kavanagh - Aye, Ms. Anderson - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye. Motion carried at a vote of 5-0-0.

Mr. Powers said that on page 18, is Article 15, and this one is a standard item that was incorrectly left out and it was confused with the earlier one. He said that he would ask for consistency, and make sure it is placed and then whether you accept and adopt.

Ms. Anderson moved that they vote to place Article 15, Public Education and Government (PEG) Access and Cable Related Funds for Access, with the estimated cost of \$66,470. Seconded by Mr. Howell.

Roll Call Vote: Mr. Ballantine - Aye, Ms. Kavanagh - Aye, Ms. Anderson - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye. Motion carried at a vote of 5-0-0.

Ms. Anderson moved that they vote to accept and adopt Article 15 Public Education and Government (PEG) Access and Cable Related Funds for Access, with the estimated cost of \$66,470. Seconded by Mr. Howell.

Roll Call Vote: Mr. Ballantine - Aye, Ms. Kavanagh - Aye, Ms. Anderson - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye. Motion carried at a vote of 5-0-0.

Mr. Powers said on page 27, is Article 29, which is a standard boilerplate that starts out the Community Preservation Articles. He said that they placed this one in the Warrant, but the language changed to reflect what is typically done. The original

article simply talked about administrative expenses, and it was for \$60,000, which is the 4th number at the top of page 28. He said that they have this language there because it is appropriating the monies that go back to the buckets. He said that they have placed it, but would not object to placing it again and the appropriate act tonight would be whether to accept and adopt.

Mr. MacAskill said they should do both to be safe.

Ms. Anderson moved that they place on the Warrant Article 29, Community Preservation Committee Articles, as presented. Seconded by Mr. Howell.

Roll Call Vote: Mr. Ballantine - Aye, Ms. Kavanagh - Aye, Ms. Anderson - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye. Motion carried at a vote of 5-0-0.

Ms. Anderson moved that they vote to accept and adopt Article 29 Community Preservation Committee Articles, as presented. Seconded by Mr. Howell.

Roll Call Vote: Mr. Ballantine - Aye, Ms. Kavanagh - Aye, Ms. Anderson - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye. Motion carried at a vote of 5-0-0.

Mr. Powers said that on page 33, is a representation of Article 39. He said that the Board may recall there was a draft Article presented through Council which was trying to create a mechanism by which the Town could fund and establish a process on trying to deal with the numerous parcels unknown. He said after the conversations they had, and with input from the Town Planner, this is the language that has been proposed by Council. He said that that they would need to place, and then accept and adopt, then he can turn it back over to the Board for discussion.

Mr. MacAskill said that his question is that the reason this went back to Council is because it says, "disposition of properties to fund parcels unknown", and that is not the intent of the Article, because they are not identifying any. He said Mr. Powers may be missing the title change, and pulled up the email from Council, John Giorgio, which stated "Fund Land Research for Assessing Purposes", and then it would be Article 39, to see if the Town will vote to transfer from free cash to the sum of \$500,000, to be expended by the Town Administrator with approval of the Board of Selectmen to pay for researching land identified, or reflected, as owners unknown, miscellaneous, or undesignated parcels in the Town Assessor's database, or mapping system, for purposes of clarifying title ownership or location of such land for town assessing and related purposes, including to determine or establish the town's interest in said parcels such sum shall include all fees costs and expenses associated with activities necessary proper incidental and related thereto, including but not limited to, conducting and preparing engineering studies surveys and other plans, title research and appraisals and to act fully thereon. Estimated cost of \$500,000, by request of the Board of Selectmen.

Mr. Howell said that he was originally concerned because Mr. Giorgio seemed to be pushing this into giving pre-authorization to sell properties that nobody even knew about, and they'd never have to go back to Town Meeting. He said this is fine.

Mr. MacAskill said that Mr. Howell's comments are what led to this.

Ms. Anderson said she was all set.

Ms. Kavanagh said that she was all set with the change, but asked if they had a little asterisk about how they got into the fact that monies would have to be placed. She said that it does not necessarily affect anything here, but just to explain that any monies that they got from selling properties, would need a portion put aside, just for clarification for the public.

Mr. MacAskill said that they could do that in the explanation, and then they would be thinking future Town Meeting with a list of parcels that the Board would entertain selling and let Town Meeting choose. He said then they would put money in escrow.

Ms. Kavanagh said that she just wanted to clarify that they would have escrow money set aside, and just wanted to bring it up.

Mr. Powers apologized for the confusion on the title, and said again that they would just need to place and accept and adopt.

Ms. Anderson moved that they place Article 39, Disposition of Properties to Fund Land Research for Assessing Purposes on the Warrant. Seconded by Mr. Howell.

Roll Call Vote: Mr. Ballantine - Aye, Ms. Kavanagh - Aye, Ms. Anderson - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye. Motion carried at a vote of 5-0-0.

Ms. Anderson moved that they vote to accept and adopt Article 39, Disposition of Properties to Fund Land Research for Assessing Purposes, in the amount of \$500,000. Seconded by Mr. Howell.

Roll Call Vote: Mr. Ballantine - Aye, Ms. Kavanagh - Aye, Ms. Anderson - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye. Motion carried at a vote of 5-0-0.

Mr. Powers said that what they have in front of them is a Warrant that contains 58 Articles for the Annual Town Meeting, with four appendices. He said the first is the Annual Town Election Warrant, which will be Appendix A, Appendix B is the

Operating Budget, Appendix C is the Capital Budget, and Appendix D is the District Agreement Amendments with commentary.

Mr. MacAskill asked if the next action Mr. Powers would be looking for is to close the warrant, after they have one more housekeeping item?

Mr. Powers said that is correct, they need to vote to close the Warrant, and then sign the Warrant, after their housekeeping matter.

2. Vote to withdraw Articles from draft Warrant

None.

3. Recommendation votes including, but not limited to, vote to recommend, accept and adopt or any other action

Mr. MacAskill said that last week it was brought up whether or not to put the new positions into the Warrant. He said that it has been brought up by at least one member of the Finance Committee, and one member of the Board of Selectmen, on whether or not they want to put those two positions someplace in the Warrant. He said that they covered it in the Operating Budget, they have had extensive conversations about these two needs for the Town throughout the year, and he does not think that anything has been more debated. He said that transparency is certainly there, but he cannot find instances where they have done this that has not been an override. He asked what is the intent of the Board?

Mr. Howell said that he found dozens of instances that were not overrides, prior to when Mr. Chris Clark, former Town Administrator, had arrived. He said that they could choose to do whatever they want, but he is just pointing out that they had always considered that part of the Charter, to highlight new positions that were coming on. He said they will be putting it in a budget, but they have a frightening ability to zoom through \$40 million in 10 or 15 minutes, pretty much every year. He said that he is hoping that nobody decides to come and make an amendment on the major motion, because that always confuses people, and that was the major reason to do it this way. He said he personally wants to see both of these positions approved

Ms. Anderson said she has been spending a lot of time thinking about this, and about being open and transparent, but then she thought about the number of times they have talked about it. She said that people would have to live under a rock to not know about those two positions, because they have talked about them regularly. She said she is comfortable with it being in the budget, in the Warrant and let the discussion fall there. There is no need to make this warrant any longer than it needs to be.

Mr. Powers said that he has done some research on this based on input from the Board, from the Finance Committee, and other members. He said that he shared his research with the Board last week, and it is accurate to say that since the present Charter was adopted on February 3, 2006, neither his predecessor, nor the predecessor before, actually had any examples. The last known example goes all the way back to 2001, but again that was also then tied to funding. He said that has always been the key point for him, that the Charter talks about subject to appropriation, and of course everything that they do is subject to appropriation. He said it is accurate to say that his research has shown that the Town has not done anything like this, in the last 15 years, or since the adoption of the charter in 2006.

Ms. Kavanagh said that she is comfortable with the budget, because they have talked about it extensively and the history shows that it is fine to do.

Mr. Ballantine said that he is on the opposite side of that. He said that he needs to be consistent and has argued that this is basically on the Cultural Center. He said that they should be transparent and his request is always for finance numbers on what the operational costs are, what the capital costs are and so on. He said his assumption is that both of these will pass Town Meeting relatively easily, and he thinks they need to, but though a bit contentious not everyone watches their Board meetings, and he thinks it is good to explain this.

Mr. MacAskill said that he thinks they can do it as part of the budget message and does not see how they will add two descriptions and positions, after they vote the number. He said that the only way it makes sense to him is to remove those two numbers from the Operating Budget, and then have a further Article, and then go back and amend the Operating Budget, after the fact. He said that they have been more than transparent and this has been scrutinized, and they are trying to follow the balanced budget that the Town Administrator gave them, with two Board priorities. He said it may not be unanimous, but the Board has talked about these for years and to not go forward with them in the Operating Budget seems silly.

Mr. Jon Chorey, Finance Committee, said that he has expressed his opinion on the two positions and he thinks what they are discussing tonight is fine, and they will sort it out at the top floor. He said that he would just like a clarification on two Articles. They met on March 31st, and they had two Articles they voted with no recommendations, pending further information, because they had the Charter obligation to get all recommendations into Mr. Powers. He said they had just received the new Warrant a couple hours before their meeting and did not have time to understand the numbers.

Mr. Chorey said they had a number on the Capital, but they did not have an explanation of why it went up \$160,000, and asked if they had that?

Mr. Powers said that it was for police cruisers.

Mr. Chorey said okay, and that they would have voted for the budget, but they just didn't have an explanation of what the increase was.

He said that the second one was the CPC Article, number 29, which was brand new to them. He said it was a big number, and they did not understand that number. He said that they have had some discussions since then and understand that it is a normal Article, so they would have voted for it, had they known. He said that they have a scheduled meeting tomorrow, if they can reconsider those for a positive motion to accept and adopt, if there is time.

Mr. Powers said that it is going to print tomorrow and Mr. MacAskill said that it will have to stay the way it is.

Mr. Powers said that they will have the standard motions meeting in the middle of this month to go through the motions, and the motions will reflect the updated recommendations.

Mr. MacAskill said that they should vote it tomorrow night, but it won't be in the Warrant.

Mr. MacAskill said moving back to the business at hand, and asked if anyone wanted to take a shot at a motion?

Mr. Ballantine said he thinks they need to still spend some time explaining the budget to people.

Mr. Howell said he will not go through a motion situation here, but will say that they are backed into a corner and since they have to go to print on this, they should have had this discussion a month or so ago, to sequence this right if they were going to do it this way. He said that this particular Article never changed in three iterations of the Charter and he will go for this, but he really can't see himself ever agreeing to this again. He said that they have a better chance of everyone believing that this is a good thing, and they will approve it, if it is singled out and brought to their attention.

Mr. MacAskill said that it sounds like they need to have a policy, because right now there's no policy.

Ms. Kavanagh said that she agreed, they do need to have a policy, because at this point they are talking about pulling things out, that weren't pulled out previously. She said she understands where they are coming from, but at the same time asked if that will mean every new position going forward should be pulled out, instead of being part of the operating budget?

Mr. MacAskill said they will bring this back after Town Meeting.

4. Discussion and possible vote to close and sign the 2022 Annual Town Meeting Warrant

Ms. Anderson moved that they close the 2022 Annual Town Meeting Warrant. Seconded by Mr. Howell.

Roll Call Vote: Mr. Ballantine - Aye, Ms. Kavanagh - Aye, Ms. Anderson - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye. Motion carried at a vote of 5-0-0.

Mr. MacAskill said congratulations, and that it was a lot of work over the last few weeks. He said that the other policy they are going to talk about is a new timeline, as soon as Town Meeting is over, so they are not doing this next year.

Mr. Powers said that there are five signature pages, which need to be signed.

B. Discussion – Treasure Chest Stickers

Mr. MacAskill said that he had a conversation with Mr. Powers and Ms. Coppola and they did find some money in one of the sticker budgets, or DPW budget, so they are ordering stickers. He said that a Public Hearing has been set up for the fee.

CONTRACTS

- A. Discussion and possible vote to accept and execute a contract with Comstar Ambulance Billing Service for the billing and collection of emergency ambulance services for the Harwich Fire Department. The Town agrees to pay Comstar Ambulance Billing Services 2.5% of actual receipts delivered.

Ms. Anderson moved to accept and execute a contract with Comstar Ambulance Billing Service for the billing and collection of emergency ambulance services for the Harwich Fire Department. The Town agrees to pay Comstar Ambulance Billing Services 2.5% of actual receipts delivered. Seconded by Mr. Howell.

Ms. Kavanagh expressed that she is not in favor of ambulance billing, but will go for it this year.

Roll Call Vote: Mr. Ballantine - Aye, Ms. Kavanagh - Aye, Ms. Anderson - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye. Motion carried at a vote of 5-0-0.

- B. Discussion and possible vote to accept the proposal from John W. Carey for the purchase of 5 Bells Neck Road, West Harwich in the amount of \$175,000 and execute a purchase and sales agreement.

Ms. Anderson moved that they accept the proposal from John W. Carey for the purchase of 5 Bells Neck Road, West Harwich in the amount of \$175,000 and execute a purchase and sales agreement. Seconded by Mr. Ballantine.

Mr. Ballantine said that he is very pleasantly surprised and that they have been worried about this for years, and they finally got one that seems to give them some money, and guaranteed the historical preservation of the building and housing.

Ms. Kavanagh said she is over the moon.

Ms. Anderson agreed, and said that it hits all of the buttons.

Mr. Howell said that he is pleased that he is willing to keep the historic envelope of the building, with the historic preservation restriction on it. However, he said that there is nothing in a purchase and sale that survives the purchase and sale, and asked how they will administer the actual imposition of that onto the title?

Mr. Powers said that he would need direction from the Board, as to whether they want that to be a deed restriction, and they can move forward in such a manner.

Mr. MacAskill said that for him it was a preference for the historical preservation and he does not want to tie anyone's hands behind their back. He said that it was a preference of the board, not a requirement and they should not be tied to it.

Ms. Anderson said that he spoke of being third generation from Harwich and already has two other multi-family homes. She said she does not have any reason to distrust him.

Mr. Howell said that is one of the dilemmas they had in the Planning Board, someone would be third or fourth generation, but then they pass away and all of a sudden someone from Off-Cape comes in. He said unless it is in writing there is no enforceability, whatsoever, in the future.

Ms. Kavanagh asked if they could just ask him if he is willing to do that, to protect it?

Mr. Powers said that they could do that and would in fact be the next step in finalizing arrangements, after their vote.

Roll Call Vote: Mr. Ballantine - Aye, Ms. Kavanagh - Aye, Ms. Anderson - Aye, Mr. Howell - No, Mr. MacAskill - Aye. Motion carried at a vote of 4-1-0, with Mr. Howell against.

TOWN ADMINISTRATOR'S REPORT

Mr. Powers said that he had an opportunity last Thursday evening with his daughters, to go to the High School for Disney Pops. He said that he had never experienced it before but heard it was a long tradition and was absolutely amazing. He said that he is amazed at the talent that they have in their high schools, they did a wonderful job and should be applauded.

SELECTMEN'S REPORT

Ms. Kavanagh said that she would just like to thank Mr. Doane for the \$10,000, and the rest of the Board agreed it was a great gift.

Mr. Ballantine said that he went to a music event a few days ago at the South Meeting House, for Celtic Band. He said that they were great.

ADJOURNMENT

Ms. Anderson moved that they adjourn at 8:10 pm, Seconded by Mr. Howell.

Roll Call Vote: Mr. Ballantine - Aye, Ms. Kavanagh - Aye, Ms. Anderson - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye. Motion carried at a vote of 5-0-0.

Respectfully submitted,

Lisa Schwab
Board Secretary

