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HARWICH, MA

2022 JUL 26 P 3: 26

MINUTES
SELECTMEN'S MEETING
TOWN HALL
GRIFFIN ROOM
MONDAY, APRIL 25, 2022
5:45 PM EXECUTIVE SESSION
6:30 PM REGULAR MEETING
REMOTE PARTICIPATION OPTIONAL

RELEASED

APPROVED

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

ALSO PARTICIPATING: Town Administrator Joseph F, Powers

CALL TO ORDER: Chairman MacAskill opened the Board of Selectmen's meeting for April 25, 2022 at 5:45 PM. He noted that they will be back to open session no later than 6:30 PM.

EXECUTIVE SESSION

A. Executive Session pursuant to G.L. 30A, s21 (a)(7) to comply with, or act under the authority of any general or special law or federal grant-in-aid requirements ("Purpose7)-the Open Meeting Law, G.L. c. 30A, ss 22(f)(g)—To review, approve and/or discuss the possible release of executive session meeting minutes dated January 18, 2022, February 7, 2022 and March 7, 2022

B. 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.

Ms. Anderson moved to enter into Executive Session, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

Mr. MacAskill reopened the Board of Selectmen's Meeting reporting that in Executive Session they approved some Executive Session minutes and discussed collective bargaining for all town unions. The minutes were approved, there was no decision on B. He invited attendees to join him in the Pledge of Allegiance.

PUBLIC COMMENTS/ANNOUNCEMENTS

Cindy Williams, Executive Director of the Harwich Chamber of Commerce noted that tomorrow is the Annual Town Meeting Warrant Article Review Dinner. This weekend is the prelude to art week at the Cultural Center and noted some events. She encouraged everyone to join them.

Town Administrator Powers announced that the Harwich Voter Information is hosting and the League of Women Voters is moderating a "Hear from the Candidates" for Harwich Town Clerk and he gave details.

April 25, 2022

PUBLIC HEARING

A. Public Hearing - Discussion and possible vote to approve the new application for a Seasonal, Off Premise, All Alcohol Liquor License for Maulik Corporation d/b/a Value Mart - 435 Route 28

Ms. Anderson read the Notice of Public Hearing.

Mr. MacAskill opened the Public Hearing.

Attorney Jamie Norcross is present, representing the Maulik Corporation and accompanied by the Patel family who owns and runs the Value Mart. Atty. Norcross gave a summary of their involvement with the Value Mart since 2012 and why they are applying for the license.

Mr. MacAskill asked if anyone the public or on line would like to comment. No response.

Mr. Howell moved to close the Public Hearing and to go into deliberations, 2nd by Ms. Anderson. Vote 5:0 in favor by roll call. Motion carried unanimously.

Mr. Howell commented that in general he is not in favor of combining more alcohol with pumping gas. He also has respect for the Patel family and their earnestness in conducting business the right way.

Ms. Anderson commented that she takes the Chief's recommendations to heart. She has no problem with this.

Ms. Kavanagh has no issues.

Mr. Ballantine has no issues.

Ms. Anderson moved to approve the new application for a Seasonal, Off Premise, All Alcohol Liquor License as presented, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

CONSENT AGENDA

A. Vote to approve the following Board of Selectmen meeting Minutes

1. December 20, 2020
2. October 25, 2021
3. November 22, 2021
4. November 29, 2021

B. Vote to approve the Assistant Town Administrator's recommendation to grant permission of NSTAR Electric Company D/B/A Eversource Energy for the purpose to install 14 new pull boxes and 3790' of conduit along town roads

C. Vote to approve the annual Harwich Police Department re-appointments

Ms. Anderson moved to vote to approve the Consent Agenda as presented, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

April 25, 2022

NEW BUSINESS

A. Community Rating System (CRS) Annual Re-Certification

1. Vote to approve a tax bill insert for July 1, 2022 for the CRS recertification
2. Vote to authorize the chair to sign the annual CRS recertification

Ms. Anderson moved to vote to approve a tax bill insert for July 1, 2022 for the CRS recertification, 2nd by Mr. Howell

Mr. MacAskill noted that CRS is the Community Rating System and that the whole name should be part of the motion, not the abbreviation. Vote 5:0 in favor by roll call. Motion carried unanimously.

Ms. Anderson moved to vote to authorize the chair to sign the annual Community Rating System recertification, 2nd by Mr. Howell.

Mr. Ballantine commented that Elaine Banta spent a considerable amount of time and effort putting this report together. It effects a lot of residents and he appreciates her hard work.

Mr. MacAskill asked the Town Administrator to extend the Board's thanks to Elaine Banta and he replied that he certainly will.

Vote 5:0 in favor by roll call. Motion carried unanimously.

B. Discussion and possible vote to approve the Joint Statement with Monomoy Regional School District (MRSD) and the town of Chatham.

Ms. Anderson read a letter addressed to Chatham and Harwich taxpayers and voters. The letter is available in the packet.

Mr. Ballantine commented that it was well written, short and to the point.

Ms. Kavanagh agreed.

Ms. Anderson agreed.

Mr. Howell commented that it is short enough that people will read it.

Mr. MacAskill noted that members of the school are on line and asked for comments.

Tina Games Monomoy School Committee member, stated that they ask for the Board's support. They are eager to get this out in the public. They are meeting with the Chatham Select Board tomorrow night. As soon as they get Harwich and Chatham to approve this, they can get it out in the community.

Ms. Anderson asked if they plan on publishing it in the Cape Cod Chronicle.

Ms. Games replied, that is their intention, it will be in either this Wednesday or next Wednesday.

Ms. Anderson moved to vote to approve the Joint Statement with Monomoy Regional School District (MRSD) and the Town of Chatham, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

C. Discussion and possible vote to apply surplus bond proceeds to support debt obligations - McGuerty Road Betterment and water capital project.

Ms. Anderson moved to vote to approve to apply surplus bond proceeds to support debt obligations - McGuerty Road Betterment in the amount of \$7,107.01, to General Fund to support current debt obligations, 2nd by Ms. Kavanagh. Vote 5:0 in favor by roll call. Motion carried unanimously.

Ms. Anderson moved to vote to approve to apply surplus bond proceeds for Lower County Road's water improvements in the amount of \$1,142.00 to Water Enterprise fund to support current debt obligations, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

D. Discussion and possible vote to approve a Special Permit 189-1G for One Day entertainment - Cape Farm Supply - 1601 Factory Road - Saturday, June 25, 3:00 p.m. to 11:00 p.m. outside - Live music with amplification.

Ms. Anderson moved to vote to approve a Special Permit 189-1G as presented, 2nd by Mr. Howell.

Mr. Howell commented that he doesn't see the need for this but he will vote for it.

Ms. Anderson commented for the public that they have been consistent with an earlier deadline but she is good with 11:00 PM because of the location.

Vote 5:0 in favor by roll call. Motion carried unanimously.

E. Discussion and possible vote to participate in the Municipal Vulnerabilities Preparedness (MVP) application for low-lying roads and authorize the town Administrator to sign a letter of support.

Ms. Anderson moved to vote to participate in the Municipal Vulnerabilities Preparedness as presented, 2nd by Mr. Howell.

Lincoln Hooper, Director of the Highways and Maintenance Department noted that this is a continuation of work done through the Cape Cod Commissions. Details are included in the packet.

Vote 5:0 in favor by roll call. Motion carried unanimously.

F. Discussion and possible vote to authorize the chair to sign a letter of commitment for the Municipal Vulnerability Preparedness Action Grant RFR-ENV 23 MVP 02 for Route 124 Herring River Culvert Improvement in Harwich, Massachusetts.

Ms. Anderson moved to vote to approve to authorize the chair to sign a letter of commitment as presented, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

G. Discussion and possible vote to approve a memorandum of understanding with Elder Services of Cape Cod and the Islands, Inc. for a Nutrition Program for the Elderly and authorize the chair to sign.

Ms. Anderson moved to vote to approve a memorandum of understanding as presented, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

H. Discussion and possible vote to approve the following applications for expanded outdoor service

1. Ember Pizza - 600 Route 28
2. Cape Sea Grille - 31 Sea Street

Mr. MacAskill added on #1, pending a complete application.

Ms. Anderson moved to vote to approve the following applications for expanded outdoor service

1. Ember Pizza - 600 Route 28 pending a completed application
2. Cape Sea Grille - 31 Sea Street

2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

OLD BUSINESS

A. Discussion and possible vote to approve and sign the deed restriction for 5 Bells Neck Road (pending final approval by town counsel)

Town Administrator Powers commented that the Assistant Town Administrator has been working with Town Counsel Katie Kline as well as the perspective buyer John Carey and his counsel Attorney Mazzeo. There is a proposed motion from counsel on the second item and he explained the reasoning.

Mr. MacAskill started the conversation on the deed restriction.

Mr. Ballantine commented that his recollection is that the buyers agree to keep the historical facade. He trusts the buyer and does not think it has to be a deed restriction.

Ms. Kavanagh commented that she is fine with whatever they put in writing and not have it be a deed restriction.

Mr. MacAskill commented that the Historical Commission met on this and the purchaser attended. Jon Idman, Town Planner does not think this should be done and it is not an enforceable action. Any changes the purchaser would want to make would have to go before the Historic Commission. He does not in favor of a deed restriction.

Ms. Anderson noted that the RFP said that the restriction would make it advantageous, it does not say it's required. She questioned if they can require it after the fact.

Town Administrator Powers emphasized that what exists in the draft purchase and sale is the statement under section 11, Preservation Restriction which he read.

Ms. Anderson moved that the Board of Selectmen by virtue of and accordance with the authority of the vote taken under Article 17 of the 2021 Annual Town Meeting vote to:

1. Approve the purchase and sale agreement with John Kerry for the property located at 5 Bells Neck Road, the West Harwich School House for the purchase price of \$175,000.00.
2. To authorize the Town Administrator in consultation with Town Counsel and the Chair of the Board of Selectmen to finalize the purchase and sale agreement of said property.
3. Authorize the Town Administrator at such time as the purchase and sale agreement is satisfactory to Town Counsel and the Chair of the Board of Selectmen to secure the signatures of at least a majority of the members of the Board of Selectmen on the purchase and sale agreement.

2nd by Mr. Ballantine. Vote 4:1:0 by roll call. Motion carried.

CONTRACTS

- A. Discussion and possible vote to approve the Request for Proposal (RFP) for the disposition of real property located at 203 Bank Street

Mr. Howell commented that they have a sample, he asked if the final document will be forthcoming.

Mr. MacAskill replied that they will have a final version to sign.

Town Administrator Powers referred to the packet, the next steps and requests for proposals for the disposition of 203 Bank Street. He reviewed the highlighted items.

Mr. Howell commented that all it needed to say is the desire of the town.

Ms. Anderson wondered if that would discourage anyone else and she gave her reasons.

Town Administrator Powers replied that it's not meant to dissuade anybody it's meant to have the opposite effect which he explained.

Mr. Ballantine's concern is that it appears that it's a done deal. He wants nothing to stop people from looking at this property. There is an appraisal price they need to be careful with, if they take less they will have to justify it.

Town Administrator Powers commented that they are governed by Chapter 30B and he referred to the language on page 2. By using that language, the Town reserves the right to dispose of it if these are met or if they are not met. If it's not in the RFP, they're less able to do what they are looking to do. They have the Harwich Assessing Department property record cards and the third party appraisal. The purpose of the RFP is to give as much notice and information to as broad of a group as possible.

Mr. Waystack commented that if a number comes in far above anything else, you're going to take that. The market sets the price, not the appraisers.

Mr. MacAskill commented that it touches every base they talked about at the last meeting. He has no changes.

Mr. Ballantine was concerned that the Chronicle made it sound like a done deal, he wants to reach as many people as possible, that it's open and competitive.

Ms. Kavanagh commented that the appraisal is attached, she asked if they would want to do a minimum bid.

Town Administrator Powers replied the RFP should share the broadest information for the broadest response. If the Board approves the language this evening, it will be executed by the end of next week and they can put a 30 day time frame on it. He expects to have something definitive by the end of the fiscal year.

Tom Evans, President of the Board of Trustees of the Harwich Conservation Trust noted that the Chronicle did have an article highlighting 2 non-profit organizations. They made it clear that the RFO authority was with the town and they would await the RFP and response to it.

Ms. Anderson asked where the RFP is put out to.

Town Administrator Powers replied that it goes on the town's website first and foremost. It may also be on Central Register which is the State's Procurement Newsletter and it's published in newspapers.

Mr. MacAskill commented that they had discussed listing this with a realtor or a realty site such as MLS. He asked if they're contemplating that. He asked Mr. Waystack the best way to get the word out.

Mr. Waystack replied that there is an optional MLS where you can put a non-exclusive listing and he explained how it works. He has never seen a town go directly to Zillow.

Town Administrator Powers will move forward with the RFP.

TOWN ADMINISTRATOR'S REPORT

April 25, 2022

Town Administrator Powers thanked the Assistant Town Administrator Meggan Eldredge and staff. He was able to take 4 1/2 days off which he enjoyed and he appreciated it very much. He's excited to be returning to Annual Town Meeting at the Community Center.

SELECTMEN'S REPORT

Mr. Howell questioned the amount on the Golf Revolving Fund, there is no number.

Mr. Ballantine reminded all that the Treasure Chest will open on Saturday for drop off only and then open on Sunday, Harwich residents only, stickers can be ordered online.

Mr. Howell thanked Harwich Paint and Decorating and Lyn Fox for the paint they donated.

Mr. MacAskill asked the Board to email him the articles they want, otherwise he will divide them up. Tour de Trash is Saturday 10-12.

Mr. Howell moved to adjourn, 2nd by Ms. Anderson. Vote 5:0 in favor by roll call. Motion carried unanimously.

Respectfully submitted,
Judith R. Moldstad

April 25, 2022