

APPROVED

RELEASED

**MINUTES
SELECTMEN'S MEETING
REMOTE PARTICIPATION ONLY
Tuesday, April 27, 2021
6:30 P.M.**



SELECTMEN PARTICIPATING: Larry Ballantine, Donald Howell, Michael MacAskill, Edward McManus.

ALSO PARTICIPATING: Town Administrator Joseph Powers

CALL TO ORDER

Mr. Ballantine opened the meeting at 6:47 pm, and called to order the Board of Selectmen. He explained that he first called the meeting to order at 6:00 pm for Executive Session, where they discussed litigation with respect to the case of 3137, LLC, et al. (Ember and Port) v. Town of Harwich, et al., United States District Court, C.A. No. 1:21-CV-10473, if discussing the matter in open session will have a detrimental effect on the Town's litigating position and the chair so declares.

Mr. Ballantine recognized the passing of Mr. Raymond "Link" Thacher, and the influence he had in Harwich and all of his good work.

Mr. Howell said that he knew Mr. Thacher well, and said that his obituary did not do him justice. He said that Mr. Thacher was an auctioneer, and a tree warden for many years and besides his family, he loved nothing more than cranberry bogs. Mr. Howell said that as long as there are bogs and trees swaying in the wind, Mr. Thacher will be with them.

WEEKLY BRIEFING

A. COVID-19 Updates

Dr. Kathleen O'Neill, Health Director, said that many updates have been made since the report was published on Friday and with their big agenda this evening she will try and keep this brief.

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She said the first major update is that the Johnson & Johnson pause has been lifted. The CDC and the FDA both suggest that the administration of the vaccine resume. They are aware that it could cause a serious potential problem in a few individuals, but they do believe the benefits outweigh the risk. They do believe that women younger than 50 years old, should at least be aware of the rare risk, and that there are other COVID vaccine options available which do not have the risk.

Dr. O'Neill said that Governor Baker did make some fairly large updates today. Effective Monday, May 10th, large venues will be permitted to increase occupancy to 25%, and amusement parks, theme parks and outdoor water parks will be permitted to operate at 50% occupancy, after submitting safety plans to the Department of Public Health. She said that road races and other large, outdoor athletic events will be permitted to take place, after submitting safety plans to the Department of Health. Also, youth and adult amateur sports tournaments will be allowed, and singing indoors will be allowed with very strict distancing requirements. Effective May 29th, and subject to public health and vaccination data, gathering limits will increase to 200 people indoors, and 250 people outdoors, for event venues, public settings and private settings. This change would also include Street festivals, parades, at 50% capacity, and would need to have plans submitted for review prior to operating. Bars, beer gardens, breweries, wineries and distilleries, will be subject to restaurant rules, with seated service only, a 90 minute limit, and no dance floors. The restaurant guidance will be updated to eliminate the requirement that food be served with alcohol and to increase the maximum table size to 10, which again will be subject to public health and vaccination data.

Dr. O'Neill said that beginning August 1st, depending on data, the remaining industries will be permitted to open including: dance clubs and nightclubs, saunas, hot-tubs, indoor water parks, and ball pits. At this time, all industry restrictions, and capacity will increase to 100% for all industries, with businesses encouraged to continue following best practices. The gathering limit will be rescinded.

She said that the Governor also announced that on effective on April 30th, the Face Coverings Order will be relaxed for some outdoor settings. Face coverings will only be required outside in public, when it is not possible to socially distance, and at other times required by sector-specific guidance. Face coverings will still be required at all times in indoor public places. Face

coverings will also continue to be required at all times at events, whether held indoors or outdoors and whether held in a public space or private home; except for when eating or drinking. At smaller gatherings in private homes; face coverings are recommended, but not required. The \$300 fine, as an enforcement mechanism, will be eliminated.

Dr. O'Neill would like to remind everyone that the Harwich Board of Health passed a local regulation last summer that face masks are required on Main Street, between Lower County and Bank Street, 9:00 am - 10:00 pm, regardless of social distancing. She said that can only be rescinded by the Harwich Board of Health.

She explained that they still do not know what the regulations will look like in the coming weeks. The state will not likely release the guidance until the day it goes into effect. They will have to wait to make plans for activities until they know what they will be allowed to do.

Dr. O'Neill said, in terms of the numbers, they are only tracking 15 active cases, which is great news. She said that the State still has them technically in the "Red", and said that in her report she discusses more of what being in the red is, with the positive rate, and why that may not be the best measure any more.

She said that tomorrow they will be holding their first, and so far only, private vaccination clinic with Outer Cape Health and the Harwich Fire Department. She said that it has been a really collaborative effort and she does want to give a special thanks to Ms. Jennifer Clarke, Executive Assistant, Health Department, who has planned and had to reschedule this clinic, and has made all of the paperwork that goes into putting this clinic together look easy. She also expressed her appreciation to Harwich Fire and EMS for doing all of the vaccine administration. They are excited to have this happen.

Mr. Ballantine said he understands they may end up at a point, where they have a surplus of the vaccine, and asked if she had any thoughts on reaching that and getting the word out?

Dr. O'Neill said that they have a twice a week Health Agents Coalition Meeting, with all of the other Health Departments on the Cape, and that is something they have been working on, to create an outreach program, and the

next steps for that. She said that until recently they have not had enough vaccine, but that is something that they are focusing on.

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

Ms. Cyndi Williams, Executive Director, Harwich Chamber of Commerce, said she had a few updates in light of what Dr. O'Neill just reviewed. She said that there are some key things that are happening, to help businesses, and first, the SBA (Small Business Administration) announced last week that the official Restaurant Revitalization Fund application is coming up. The preregistration starts this Friday, at 9:00 am, so restaurants can start to compile all the required documents. On Monday, May 3rd the applications will be accepted.

Ms. Williams said that today kicked off the energy assessment and install for instant savings with Cape Light Compact. They will be in Harwich until the 29th, and that is going well. She said that it is always great to see their businesses saving where they can.

She also said that they wanted to welcome back Sweet Izzy's for their second season. She said that it is dairy-free and gluten-free and tastes delicious.

PUBLIC COMMENTS/ANNOUNCEMENTS

A. Presentation – Behavioral Health Innovators (BHI) and Recovery Build

Mr. Powers introduced Ms. Sheila House, President, Board Member, Mr. David Spitz, Board Member, and Stephanie Briody, Co-founder, CEO, Board Member, with Behavioral Health Innovators, Inc.

Ms. House said that she works for the Town of Harwich as a Therapist for teenagers, as well as, collaborates with the Monomoy School System and other non-profits. She explained that they are here tonight to discuss a great non-profit, Behavioral Health Innovators, Inc. and their program called Recovery Build APG, and APG stands for Alternative Peer Group. Ms. House said that this is a one of a kind program on Cape Cod, and is held after school for teenagers who are starting to question what they are putting in their bodies, and how it is affecting them. This is a peer to peer program and has great counselors that gets kids to talk openly about how they started using in the

first place, and what keeps them using. They currently have one center operating in Hyannis and would like to get more opened, including in Harwich.

Ms. House said that they are speaking to as many Board of Selectmen's as they can, to really get the word out. She said that the schools have been really good about publicizing it. She has been speaking with the kids at the High School, along with Ms. Briody, and the trend is going up, with more concern about blackouts and dabbling in much more dangerous drugs, and it has become "like it is there second job". She said that they love it when school's refer kids to help them.

Ms. Briody said that she started the nonprofit in about 2016, and one of the core operating principles is to co-create solutions with young people who have lived the experience. They have heard from so many that are worried about their friends. The aim of this program that they are speaking about is to get upstream of addiction, to build awareness. She said that there are no adolescent treatment centers on Cape Cod, for young people with substance use disorder. She explained that substance use disorder is a dependent on substances and families have nowhere to turn on Cape Cod. This program has been around since the 70's in Houston, TX and they brought it up to create it organically on Cape Cod. She said that they are working closely with peer leaders and alternative learning students and training them and giving them the tools to talk to their friends about their substance use. They are working closely with the schools, but they really wanted to get the word out, it is year round and it is free. Ms. Briody said that they have a lot of support through grant funding, and community support.

Mr. Spitz said that he is simply a Cape Cod resident that has had family experience with substance abuse disorder, like so many others, and welcomes a place for teens to go. He has been on the board since the end of last year and will continue to offer what he can to these efforts.

Ms. Briody introduced the video which was shared and can be found on the website www.recoverbuild.org, and also will be posted on the town website. (https://www.youtube.com/watch?v=eGBGgLrP_wo)

Mr. MacAskill said that this is great, and asked who someone would contact for help? Ms. Briody said that someone could call the phone number 774-487-5227 and they would talk directly to a counselor from the program. The

schools are also aware of it, and can help, and people can also reach out to any member of their board.

Mr. Howell said that he goes way back with Ms. House and he wishes he could say that this is only a mild problem here. He said that just finding a resource for adolescence is difficult and he thinks that this is terrific. For anyone that thinks it does not happen here, they are mistaken, and they do not want a lost generation of kids. He said that it is really important that they don't have the stigma, and that they do participate.

Mr. McManus said that anyone that has been aware of Ms. House's activities and how broadly she has been stretched with the kids in our town, who needs help, you can see how much these resources are needed. She has done a true herculean effort and any additional resource that we can bring to our community and across the Cape is a great benefit.

B. Announcement – Notification of Grant Award for Fire and Police Department radio upgrades

Mr. Powers said that they had good news and turned it over to Chief Leblanc.

Chief David LeBlanc, Harwich Fire Department, said that he was pleased to announce that they received notification from CoMIRS, which is the State radio system grant that they had applied for, they received almost all of the money that they requested and the radios that they asked to be replaced, were credited. He said that this combined with the money from Town Meeting will complete the entire Police and Fire radio upgrade. It was \$133,831.87 for the Fire Department and \$163,023.79 for the Police Department. He said this is great news and thanks to the hard work of everyone completing inventories etc. they were able to get the whole grant.

C. Mr. Ballantine asked if Mr. Howell could provide an update on the Clean Waters Grant. Mr. Howell said that as people may have read in the newspaper, they have been granted an excess of \$5 million in relation to their project in East Harwich. He is thankful that the Board had faith in him to appoint him to the Clean Waters Board in Barnstable. He said that it had taken them 14 months to come out with an equitable formula where different towns would get an equitable portion of this. He is really excited about this,

and would like to see it help buy down their debt in the sewerage because it was initially a crushing load. He is really grateful.

JOINT MEETING WITH THE BOARD OF SELECTMEN AND GOLF COMMITTEE

A. Use of the Cranberry Valley Golf Course property

Mr. Powers asked Chairman Clement Smith to call his committee to order by means of a roll call.

Mr. Clement Smith, Chairman, Harwich Golf Committee called to order the Golf Committee, for the joint meeting by roll call.

Mr. John Crook - Aye, Mr. Paul White - Aye, Mr. John Connolly - Aye, Mr. John Wheeler - Aye, Mr. Steve Bilotta - Aye, Mr. Clement Smith - Aye. Not present Ms. Martha Duffy.

Mr. Smith noted that Mr. Roman Greer, Golf Director, Cranberry Valley Golf Course, is also present.

Mr. Ballantine said that he would like a discussion regarding using the golf course for the charitable use for Monomoy High School. So, he would like to go through the Golf Committee's discussion and action on that.

Mr. Smith shared a document, Background Information for the Monomoy Athletic Booster's tournament request. He said that this is the background information and he would like to go through it, point by point, so that the general public can understand the decision making process that they have used over the past many years. He said that there is a lot of thought that goes into it and it has been success for them. These decisions for 2021, were actually made in 2020. He explained that the event had been held three times, in 2017, 2018 and 2019, all on Columbus Day. These were all during the pre-COVID era, and followed the Golf Committee policy for local charity fundraising events, which is half the greens fee and the full cart fee. Mr. Smith said that this event had been an 8:30 am shotgun start, which means that the course is closed until 1:30 pm. He explained that is 5.5 hours that the course is closed, and takes away 33 tee times, accommodating 132 golfers. He said that the participation by this group has hovered around an average of 75 players and

additional revenue opportunities are promoted through sales in the pro shop and various avenues around the golf course. He also explained that all tournaments typically deal directly with the restaurant, which is the Hot Stove, but due to COVID restrictions post tournament banquets are not allowed. They have been doing grab and go type services.

Mr. Smith said that this was discussed at the November 17, 2020 Golf Committee Meeting and all members of the committee, and Mr. Greer, were in agreement to a slim downed schedule due to the increase in golf demand and COVID concerns. They had not held any shotgun events in 2020 due to COVID restrictions. He said that the Monomoy tournament was addressed directly, and it was recommended to move the tournament to a later date and not to accept any new events. He thinks it is important to realize that they have a fiduciary responsibility to the Town, and the success of these events are determined by guidelines that they have to adhere to. These decisions are predicated by that as well. Mr. Smith said that the Harwich Chamber of Commerce event was specifically addressed as well, and it was decided that it should not be accommodated for the same reasons.

Mr. Smith said that they have not had complaints of this nature over the years and have consistently worked with groups to make sure their outings are successful, with mutually agreed upon dates. The Golf Committee unanimously approved the schedule presented at their December 15, 2020 meeting, which was based on previous discussions they had. He said that it also included an alternate date of October 18th, 2021, for the Monomoy tournament and finalizing discussions were to follow. He said that this is a complex issue, and there is tremendous competition for events at the golf course. It is very difficult and they have to be selective to protect the integrity of the operation.

Mr. Ballantine confirmed that Columbus day is October 11th, this year, so they had proposed a week later. Mr. Smith confirmed.

Mr. Jason Laramee, on behalf of the Monomoy Athletic Boosters, said that everything Mr. Smith said is accurate, and it is not his intent on bringing this up that they do accommodate groups of all levels. He said that they had started the conversation last year and then the pandemic hit and it was a non-issue. Mr. Laramee explained that when you have a charitable event, there are many factors that go into the particular date. He said that once you find a date that works, you try and keep that date, otherwise the events tend to be less

successful, in his personal experience in the golf industry. He said that this is a Town owned golf course, and he understands that there are new factors and he is not taking light of any of that. However, at the meeting, one of the Board members talked about it being a glorious year and a record breaking year. He also understands the demand over tee times, but he did not think it was fair to compare a Monday in October, even though it is a holiday weekend, to the Memorial Day, or July 4th, holiday weekends. Mr. Laramée said that it is a Monday in October and it would be accommodating the biggest fundraiser that this group has. They have volunteers that are local business owners and this date works for them. They also have many student volunteers and another Monday, they would be in school, so they can't just pick another date. These are things they look at to have a successful event, and their goal is to have it locally. He said that normally it is an easy transaction and in theory it should be a win win for everyone involved to have a guaranteed event in October.

Mr. Laramée said that he was surprised when he first learned that it was not approved. He looked back to the meeting, although the minutes were not posted, he wanted to find out why the decision was made. He said that they talked about it being a business decision, but he thinks it is mindboggling that the two tournaments which were turned down, were there's and the local Chamber of Commerce event. It seemed odd that they would make that decision and not make it work for two local groups.

He said that it does not seem to make sense to be turned away and that they were told to pick another date or go somewhere else.

He said that the Chamber was able to go to Brewster, and they were able to find a private golf course that could accommodate them, but Cranberry Valley could not. He thinks that they should look at how things are being selected over there.

Ms. Cyndi Williams, Executive Director, Harwich Chamber of Commerce, said that she would like to speak, but also does not want to be thrown under the bus. She explained that due to COVID they had to think outside of the box on their Toast of Harwich fundraiser, which is their biggest fundraiser, and decided to try a golf tournament. She said that she had a lovely visit with Mr. Smith and also met with Mr. Greer. She said that she has been juggling a lot due to COVID herself, and she understood that it did not work to have it at Cranberry Valley. She said that although they would love to have been able

to have it in their own town, she understood, and was able to secure the date at Captains. She said that they support their golf course, and perhaps it would work next year. She said that they needed to do a fundraiser and that is the only reason they are not doing it in town. She said it was unfortunate, but she understood, and just had to move on.

Mr. Ken Dickson requested to speak. He commented that he had sent many emails to both Mr. Powers and Mr. McManus, and neither of them had responded to him. He said that he has attended nearly every meeting of the Golf Committee this year, and said that the members are very committed and do a great job. He said that the committee had voted unanimously on two occasions not to allow outings on holidays, as it hurts the income of the course. He supports the committee's position and he feels that the Board of Selectmen should as well. He said that there are no bad charities, and he understands that they help several with their outings. He feels that if the Board of Selectmen chooses to overrule and embarrass the golf committee, by allowing an outing on a holiday, he hopes they are charged the full green fees to be paid, with no discounts. He asked, why should the course lose money? He said that it is the responsibility of the Board of Selectmen to put the best interest of the Town first; not their favorite charities. He hopes that they will honor the work and wishes of the Golf Committee. Mr. Dickson said that the Golf Committee puts a lot of work into this and that he has been at every meeting over the past year.

Mr. Roman Greer, Golf Director, said that when they entered into this discussion, they were not intending to not accommodate the Monomoy Athletic Booster, they still wanted to accommodate them. However, they did not feel it was the best use of the golf course on that holiday. He said that the participation numbers are the lowest for any shotgun event that they hold. The block of tee times that it takes up, would normally accommodate 132 golfers. Mr. Greer said that they did not want to take them off the calendar, but to move them to the following Monday, which would make more sense on their calendar. He said that the youth groups they do in the summer are not shotgun events, they are afternoon blocks of tee times and not a good comparison.

Mr. Smith said that Mr. Laramée's points are well taken and it is emotional. They do great things, but the bottom line is they are involved in a business on behalf of the town. He also said that with the Captain's course, they have two 18-hole golf courses which gives them more flexibility. Mr. Smith said that for better or worse, the Golf Committee made a decision based on what was

best for the Town. They are an advisory group and as Mr. Howell had mentioned about the town charter, they understand that, and ultimately it ends with the Board of Selectmen. He said that the olive branch is out there, and they could further discuss it with alternate accommodations.

Mr. Jack Connolly said that he just wanted to offer something that influenced his decision. He said that that due to COVID, the demands have skyrocketed and basically this past year, annual passholders have not been able to get a tee time. He said that his vote was influenced by that, and to help the people paying for the course to get tee times. He said that Columbus Day is still a busy popular day at the course.

Mr. Paul White said that he wanted to indicate that as they approached the issue, they did it very carefully and would not want any member of the public to think that they did this swiftly or without thought. He said that they do respect the work the boosters do, and he would hope that there would be an alternate way to accommodate them. They are proud of the course and the condition of the course, and he stands by the decision they made.

Mr. McManus said that he is the liaison to the Golf Committee, and Mr. Smith had been in contact with him about what they were doing last Fall, and had indicated their decisions. He thought they went through a rigorous process and that the decisions were sound for the interest of the Town. He said that he will continue to support the decisions that they made. Mr. McManus apologized to Mr. Dixon, if he had not responded, but said he went through his emails and had not found an email from him, but will continue to look.

Mr. Howell said that he loathed to pull the rug out from under Committees, unless it is really needed. He asked about swapping out the potential for the 130 tee times and what the real number was over the past few years.

Mr. Smith said that is just the potential and that it is just predicated on the tee time allocation based on the spacing between tee times. He said that is 5 ½ hours when you do the math, it comes to the 132, so that is where that number comes from.

Mr. Howell asked what actual use was over the past several years? Mr. Laramie added in that it had rained over the past few years.

Mr. MacAskill said that he does not think they are getting anywhere, and perhaps they should consider bringing this back. He said that the only things he has heard from Mr. Smith, is that it is a business, they are doing a business for the Town, COVID, Skyrocketing, can't get tee times, and increased golf demands. He said that he wants to make sure they are not losing sight of what is important to this Town.

Mr. MacAskill said that there have been news articles and emails about the demand for tee time and he thinks that the Committee and Golf Director has done a great job. However, he does not want to see them lose perspective of the Booster and the kids, the Chamber, and the important things to the Town. He said that he has more questions and he will send them by email. He said that he would like to know more about what tournaments are approved and what they are doing for kids, specifically kids of Harwich. He said that he is not trying to say that they are not doing anything, but when they have concerned residents and people calling them, it needs to be brought forward. It is their duty and he does not feel bad about that. Mr. MacAskill said that he does not see the Board changing the decision tonight, but they should bring it back. He would like to ask the Board, what is important to the Town and as much as it is a business, it is also a Town owned golf course and the whole town should reap the benefits of this golf course. He thanked the Golf Committee for the work they put into their decision, but he will forward along his additional questions.

Mr. Howell said, so they did not misunderstand what he was saying, he could be persuaded either way. He said that he looks forward to Mr. MacAskill's additional questions and that they should address what Mr. MacAskill is asking. It is not a business, it is tax payer money.

Mr. Ballantine said that he does not think anyone thinks it is just a business, and that they are considering the Town. However, he said that they can ask the questions and asked what the timing would be.

Mr. MacAskill said that he would support the Golf Committee on this decision, because it has already been made. However, he would like to know more information about what is being done for the youth in this town. He thinks that maybe they should consider reducing the use by out-of-town people, but that is a further conversation. He said that residents are not happy about not being able to use it, and also the Chamber and Booster Clubs should not have to go elsewhere.

Mr. MacAskill moved that they stand by the Golf Committee decision not to allow the event on that date this year. Seconded by Mr. McManus.

Roll Call Vote: Mr. McManus - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

Mr. MacAskill and Mr. Ballantine thanked Mr. Laramée for bringing this to them, and for his presentation. They said that they heard and appreciated what he said.

NEW BUSINESS

- A. Discussion and possible vote to approve and sign proclamation request from Karen L. Shores, daughter of Janet Marie (Pye) Porter and Stanley Dean Porter, Jr.

Mr. Ballantine explained that he had heard from this family and their request to recognize their parents, Janet Marie (Pye) Porter and Stanley Dean Porter Junior, that are coming up on their 70th wedding anniversary. He read a proclamation that was put together from their information and he is hoping they can vote on a motion.

Mr. MacAskill moved that they accept the proclamation for Janet Marie (Pye) Porter and Stanley Dean Porter Junior. Seconded by Mr. Howell.

Roll Call Vote: Mr. Howell - Aye, Mr. MacAskill - Aye, Mr. McManus - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

- B. Discussion and possible vote to approve the Assistant Town Administrator's recommendation to grant permission to NSTAR Electric Company to install four 6'x10'x 8' manholes labeled as 10218/045, 10218/035, 10218/025 and 10218/015. As well as, to request permission to locate underground cables, conduits and manholes, including the necessary sustaining and protecting fixtures, in, under, along and across Lothrop Avenue, Harwich as documented in Eversource Energy Work Order # 4706478 dated March 1, 2021 and subject to conditions from staff. This work is necessary to improve system reliability for area residents.

Mr. Powers said that this was the Assistant Town Administrator that was sitting in his stead, as has been the practice in the past. He said that he would recommend that the Board approve this request, subject to the staff recommendations. That would be first that they, Eversource, finalize the process through the Conservation commission and that the comments from their Roads Manager, Chris Nickerson, also be incorporated into the approval.

Mr. MacAskill moved that they approve the Assistant Town Administrator's recommendation to grant permission to NSTAR Electric Company to install four 6'x10'x 8' manholes labeled as 10218/045, 10218/035, 10218/025 and 10218/015. As well as, to request permission to locate underground cables, conduits and manholes, including the necessary sustaining and protecting fixtures, in, under, along and across Lothrop Avenue, Harwich as documented in Eversource Energy Work Order # 4706478 dated March 1, 2021 and subject to conditions from staff, as presented. Seconded by Mr. Howell.

Roll Call Vote: Mr. Howell - Aye, Mr. McManus - Aye, Mr. MacAskill - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

- C. Discussion and possible vote to assign 2021 Annual Town Meeting Articles to members of the Board of Selectmen for their review

Mr. MacAskill moved that they vote to assign 2021 Annual Town Meeting Articles to members of the Board of Selectmen, as presented by Chairman Ballantine. Seconded by Mr. Howell.

Mr. Howell said that the item in question had to do with him taking on the responsibility for speaking on behalf of the evolving funds article. He said that he does not agree with the versioning of the evolving funds. Also, they have to have a discussion this coming year about where they are going with it, because it is getting out of control. He said that whatever these lists are, especially since so many people have been rolling into town, they need to understand the assignments, and they do not always talk, if they are not needed. He added that anyone on the Board of Selectmen can speak about the articles.

Mr. MacAskill said that he would ask that they post this, and each Board member get a fresh email with what the assignments are. He also asked that it gets posted on the town website, so that residents know which Board members they may have questions for, ahead of Town Meeting.

Mr. McManus said that there was one article that was not assigned and he would like to have that assigned to him. Mr. Ballantine confirmed.

Roll Call Vote: Mr. McManus - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

- D. Discussion and possible vote to authorize the Chair to sign the 2021 Annual CC-213 Recertification of the Community Rating System (CRS)

Mr. MacAskill moved that they vote to authorize the Chair to sign the 2021 Annual CC-213 Recertification of the Community Rating System (CRS). Seconded by Mr. Howell.

Roll Call Vote: Mr. MacAskill - Aye, Mr. Howell - Aye, Mr. McManus - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

- E. Discussion and possible vote to authorize the Chair to sign the Eversource Schedule Z Form for Net Metering Service

Mr. MacAskill moved that they authorize the Chair to sign the Eversource Schedule Z Form for Net Metering Service. Seconded by Mr. Howell.

Mr. MacAskill asked if Mr. Powers could provide a brief explanation on what Net Metering services is. Mr. Powers said that the agreement would authorize the Town, through the Golf Department, to send excess power generated from the solar at the golf course, to other Town utility accounts.

Roll Call Vote: Mr. MacAskill - Aye, Mr. Howell - Aye, Mr. McManus - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

- F. Discussion and possible vote to approve the donation and installation of the Guild of Harwich Artist's "Mystery Painting Puzzle" at the Cultural Center

Mr. MacAskill moved that they vote to approve the donation and installation of the Guild of Harwich Artist's "Mystery Painting Puzzle" at the Cultural Center. Seconded by Mr. Howell.

Roll Call Vote: Mr. McManus - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

- G. Discussion and possible vote to approve the following establishments to continue use of their Expanded Outdoor Table Service which was previously approved in 2020

Mr. Powers said that they received additional requests after the agenda was posted that they will hear at their next meeting.

Mr. MacAskill said that these requests are for the continuation of the expanded outdoor tables services, which was provided as part of the COVID relief efforts to the businesses, and the Board of Selectmen went above and beyond, and really allowed for some expansion. In the packet is the requests for each of the establishments. He said that it looked like the Lanyard and Ember had already put up their expanded table service. He said that this is a privilege, not a right, and this was the Board of Selectmen reacting to COVID and giving back to their business. Mr. MacAskill said that he has looked at them and read the times, and he would like to get the Police Chief's nod on if there was any trouble or concerns as he reads them.

1. 400 East – 1421 Route 39

Mr. MacAskill moved that they approve the 400 East – 1421 Route 39, Expanded Outdoor Table Service, as approved in 2020, with all previous restrictions recorded. Seconded by Mr. McManus.

Mr. Howell expressed his concern over approving blanket approvals for establishments, with the fluid changes that are coming in from the Governor. He said that if they get to 100% seating, he does not want to see these establishments where they just feel it is a right for auxiliary seating. He does not think that other boards are going to be doing that, and at some point this is going to be over. He is not sure if there is a need to do this for another year.

Mr. Powers said that this process, and this allowance, ties back to an order by Governor Baker in 2020. He said that this order has not changed at this point, but it had stipulated that all expanded premises approved under the Governor's order, are only effective through 60 days after the end of the

State of Emergency and would revert back to their original license premise on that date. All parties have been advised that there is an end date, should the State of Emergency end, plus 60 days. If they get any further explanation, they would get that to the Board and to the general public.

Mr. Howell asked that this be clearly defined in their motion. Mr. Powers asked if the Board could make reference to the dates listed in the application or the 60 days post end of State of Emergency, or as early as August 1st.

Mr. MacAskill and Mr. McManus removed their motion and second.

Mr. MacAskill moved that they approve the continued use of the Expanded Outdoor Table Service, previously approved for 2020, for 400 East – 1421 Route 39, with the dates specific in their application or in conjunction with the Governor's order 60 days after the State of Emergency is lifted, or whichever comes first. Seconded by Mr. McManus.

Chief Guillemette stated that they have had no problems with the 400 East.

Mr. Ballantine asked if there was any public input, there was not.

Roll Call Vote: Mr. McManus - Aye, Mr. MacAskill - Aye, Mr. Howell - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

2. Cape Sea Grille – 31 Sea Street

Mr. MacAskill moved that they approve the continued the use of the Expanded Outdoor Table Service, previously approved for 2020, for Cape Sea Grille – 31 Sea Street with the dates specific in their application or in conjunction with the Governor's order 60 days after the State of Emergency is lifted, or whichever comes first. Seconded by Mr. McManus.

Mr. Ballantine asked Chief Guillemette if there are any issues with this application. Chief confirmed there was no issue with Cape Sea Grille.

Mr. McManus said that he just wanted to note, that in setting the dates that they are effective, if it does run through the Governor's declaration of Emergency, on the 61st day, if they have not dismantled their expanded

outdoor seating, they would be in violation of the liquor license and subject to all hearings that may require.

Mr. MacAskill said with that he would like to not read the lengthy movements and once it is lifted they have 60 days. Mr. Howell would like it included in each of the motions for the minutes.

Roll Call Vote: Mr. MacAskill - Aye, Mr. Howell - Aye, Mr. McManus - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

3. Capeside Kitchen – 537 Route 28

Mr. MacAskill moved that they approve the continued the use of the Expanded Outdoor Table Service, previously approved for 2020, for Capeside Kitchen – 537 Route 28, with the dates specific in their application or in conjunction with the Governor's order 60 days after the State of Emergency is lifted, or whichever comes first. Seconded by Mr. McManus.

Chief Guillemette said there were no issues. No other comments.

Roll Call Vote: Mr. McManus - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

4. Ember Pizza – 600 Route 28

Mr. MacAskill moved that they approve the continued the use of the Expanded Outdoor Table Service, previously approved for 2020, for Ember Pizza – 600 Route 28, with the dates specific in their application or in conjunction with the Governor's order 60 days after the State of Emergency is lifted, or whichever comes first. Seconded by Mr. McManus.

Chief Guillemette stated that they have had no problems with Ember Pizza for noise complaints or issues with the expanded outside seating.

Mr. MacAskill said that it appears that the outdoor seating is already set up. He said that he is not sure if the site plan has been updated with the

Town, but he would ask that they understand that this is not a right, and something that they should ask the Town first.

Mr. McManus said that anything that has changed in their layout, they should update the sketch that was submitted.

Mr. Raymond Tomlinson, Attorney, said that Ember owns that property, and they do not have the ability to store picnic tables and they were left out all winter long. He said that they have only been opened outside for three days and have limited their seating to the patio, which is reflected in the offset seating plan. While those tables are out there, they just were not stored for the winter.

Mr. Bob Nickerson said that they should approve the seating for Ember. He said that they have not extended the seating, they just put a fence instead of a rope, and they did a good job last year, and hopefully they will again this year.

Mr. MacAskill thanked Attorney Tomlinson for the answers, and told him that they are just trying to be consistent, and to make sure that they are getting updated diagrams if things have changed.

Roll Call Vote: Mr. Howell - Aye, Mr. MacAskill - Aye, Mr. McManus - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

5. Lanyard Bar and Grill – 429 Route 28

Mr. MacAskill moved that they approve the continued the use of the Expanded Outdoor Table Service, previously approved for 2020, for Lanyard Bar and Grill – 429 Route 28, with the dates specific in their application or in conjunction with the Governor's order 60 days after the State of Emergency is lifted, or whichever comes first. Seconded by Mr. McManus.

Chief Guillemette said that they had no issues.

Mr. Powers said that they requested service beginning April 1st, however, April 28th would be the soonest that it could happen, post vote.

Mr. MacAskill added that it begin April 28th to his motion, seconded by Mr. McManus.

Roll Call Vote: Mr. MacAskill - Aye, Mr. Howell - Aye, Mr. McManus - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

6. Mad Minnow – 554 Route 28

Mr. MacAskill moved that they approve the continued the use of the Expanded Outdoor Table Service, previously approved for 2020, for Mad Minnow – 554 Route 28, with the dates specific in their application or in conjunction with the Governor's order 60 days after the State of Emergency is lifted, or whichever comes first. Seconded by Mr. McManus.

Chief Guillemette said that there were no issues.

Roll Call Vote: Mr. MacAskill - Aye, Mr. Howell - Aye, Mr. McManus - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

7. Seal Pub – 703 Main Street

Mr. MacAskill moved that they approve the continued the use of the Expanded Outdoor Table Service, previously approved for 2020, for Seal Pub – 703 Main Street, with the dates specific in their application or in conjunction with the Governor's order 60 days after the State of Emergency is lifted, or whichever comes first. Seconded by Mr. McManus.

Chief Guillemette said that the log reflects two incidents of noise complaints, however, it does not appear to be in regards to outside seating, but due to doors or window being left open.

Mr. MacAskill asked what would trigger that to come to the Board of Selectmen. Chief Guillemette said that typically it would be handled by the Police Department and they would send a memo to the Board of Selectmen, if needed.

Roll Call Vote: Mr. MacAskill - Aye, Mr. McManus - Aye, Mr. Howell - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

8. Three Monkeys Street Bar – 554 Route 28. Suite B

Mr. MacAskill moved that they approve the continued the use of the Expanded Outdoor Table Service, previously approved for 2020, for Three Monkeys Street Bar – 554 Route 28. Suite B, with the dates specific in their application or in conjunction with the Governor's order 60 days after the State of Emergency is lifted, or whichever comes first. Seconded by Mr. McManus.

Chief Guillemette said that there were no issues.

Roll Call Vote: Mr. Ballantine - Aye, Mr. MacAskill - Aye, Mr. Howell - Aye, Mr. McManus - Aye. Motion carried by unanimous vote.

9. The Port Restaurant and Bar – 541 Route 28

Mr. MacAskill moved that they approve the continued the use of the Expanded Outdoor Table Service, previously approved for 2020, for The Port Restaurant and Bar – 541 Route 28, with the dates specific in their application or in conjunction with the Governor's order 60 days after the State of Emergency is lifted, or whichever comes first. Seconded by Mr. McManus.

Chief Guillemette said that he has concerns with the Port, regarding expanded outside seating, as he reflected in his email. They have had multiple noise complaints and a number of correspondence from neighbors who live nearby. He said that there have been many noise complaints after 10:00 pm and closer to closing, which is very concerning to neighbors.

Mr. Joe Ganley said that he agrees with Chief Guillemette's characterization and said that he lives across the street from that parking lot. He said that he has submitted a lot of information to the Board detailing his experience with this establishment. He also noted that they have a hearing planned for next Tuesday to discuss issues related to this

establishment. He said that the expansion of outdoor table service for this establishment was a game changer in terms of noise, and not in a positive way. He said that the crowd noise was unbearable at times. He said that he agrees that this is a privilege, and one that this establishment abused that privilege last year. He asked the Board to at least postpone the approval for this outdoor footprint until after the hearing next week. He believes that the testimony that they will hear at next week's hearing will be relevant to this.

Mr. Ballantine noted that they are different topics, this one and the hearing next week.

Mr. Howell said that he tends to agree with Mr. Ganley and that it is premature and waiting seven days would not be an onerous problem for the owner. He said that they cannot rescind this, and they can easily approve this in seven days without any great harm, if they decide to.

Mr. Nickerson also commented, that he does not believe the Board of Selectmen can vote on this considering what happened last year. He said that he supported Ember, but he is not sure why they did not do a better job here. He commented the videos that have been seen and said that he would appreciate them not approving this.

Mr. McManus said, based on comments that have been made, he would like to table this matter until the meeting on April 10th.

Mr. MacAskill said that he does not think they need to change the motion. There is a positive motion out, and said that the members can vote for or against it. He said that he does have some concerns and has received a lot of phone calls about this particular location, not related to entertainment. They had approved the tent and he does not think that they grasped it would take over the entire parking lot. They also had moved into the parking lot for something else, and effectively this business now has no parking. He said that if they go back through the other businesses that they approved tonight, they all have parking. He said they were told to include jersey barriers and a means to get deliveries without a truck blocking a road. This business is asking us to allow them to get rid of their parking, and now all parking for this establishment has to happen someplace else, including employees. That is not what this was approved on. He said that he also agrees with Mr. Ganley's comment about the increase of noise and they

have received several complaints. Mr. MacAskill said that they did give a pretty long latitude for people to extend their outdoor seating, however, he does not recall allowing anyone to add a shed, or a menu platform. He said that perhaps the attorney can add some answers to why the extended service needs to include the parking lot.

Mr. Tomlinson said that he does want to address some of the comments that the Board has made. In particular he is not aware of the videos that Mr. Nickerson referenced seeing from last summer. He said that the many complaints that were mentioned by the Chief, have not been relayed to the licensees. He also noted that he does not believe Mr. Ganley is a resident of Harwich, and they are here to only hear concerns from residents. He also said that it appears that there have been many communications with the Board, but there has been no notice to the licensees about those communications and he is at a loss to speak to those, when he was not afforded that notice. He thinks it is inappropriate for the Board to delay voting on this, when they have approved various other locations that lack parking or access for deliveries; such as Three Monkey, Perks, Cape Sea Grille, Mad Minnow. None of those locations offer parking or delivery and all use the street, in fact Perks uses Route 28. Mr. Tomlinson said that the Governor's executive order permitted this, and he can appreciate this being a privilege not a right, but he said it is an executive order which limits the Board's ability to condition that privilege. He does not believe it is appropriate to delay the vote in favor of this.

Mr. MacAskill rebutted some of Mr. Tomlinson's comments, and reminded him that this is a public meeting, not a public hearing.

Mr. Powers said that he wanted to put on the record about the Board's rights under the Governor's order, and reminded the Board that the actions this evening are for expansion of outdoor table service and comports with the Governor's Order Number 50, which states; "Before approving any request made under this Order or extending a prior approval issued pursuant to Section 4 of COVID-19 Order No. 35, a city, town, or LLA deems proper and appropriate including, without limitations, modifying the terms of an earlier granted approval to address potential issues with snow removal, pedestrian traffic, or similar concerns." He said that he would argue on behalf of the Board that they can modify these requests through the actions that they are taking this evening, and that is supported by Governor Baker's order #50.

Mr. Howell said that he wanted to mention at least two things, if they are not going to wait until next week. The first, is that regardless of what the Attorney is saying, he does not care if it is a permanent structure or not, it occupies parking spaces, and that is not covered under the Governor's order. It is not for the purpose of serving food, and moreover, originally there were no outside bars and now there are two. He also is surprised that Mr. Tomlinson mentioned not knowing about the videos, because their own Instagram account advertises the Nauti Bar, and all the activities that they are talking about tonight. He really thinks this should have been part of the conversation next week, but he inexplicably has tried to know how this has grown without the authority granted by the Board of Selectmen. He said that the Board of Selectmen never knew that the structure was going to be plunked into the parking lot. The Planning Board had approved parking spaces based on the capacity of the building, and he does not know anything in the Governor's order that they can put ancillary activities in conjunction with eating out there. He said that he will not vote on this tonight.

Mr. Ballantine said that they had a motion and should vote on it, even if they all wish to vote no.

Mr. Tomlinson said that the shed that is located outside, does not occupy any parking spots, it is on earth and land. Also, he said that there is only one bar outside, just the one that was permitted by the Town.

Mr. Ballantine said there is enough input on this to move forward.

Mr. McManus said that this is a public meeting and they routinely take any public comments, from any member of the public that has a reasonable responsible comment to make. He said that there is no residency requirements, it is open to all of the public.

Mr. Ganley thanked him for saying that and said that he is a resident.

Roll Call Vote: Mr. Ballantine - No, Mr. Howell - No, Mr. McManus - No, Mr. MacAskill - No. Motion did not carry by unanimous vote.

Mr. MacAskill clarified that right now, they have denied the expansion of outdoor table service to the Port.

10. Castaways – 986 Route 28

Mr. MacAskill asked if Castaways had requested for outdoor expansion last year?

Mr. Powers said that they did apply in 2020 for the expansion and submitted all requirements.

Mr. MacAskill moved that they approve the continued use of the Expanded Outdoor Table Service, previously approved for 2020, for Castaways – 986 Route 28, with the dates specific in their application or in conjunction with the Governor's order 60 days after the State of Emergency is lifted, or whichever comes first. Seconded by Mr. McManus.

Chief Guillemette said that there were no issues with Castaways.

Roll Call Vote: Mr. Howell - Aye, Mr. MacAskill - Aye, Mr. McManus - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

H. Discussion and possible vote – 2021 Annual Common Victuallers License Renewal

1. Capeside Kitchen - 537 Route 28, Suite 1G – Pending Building Department Approval

Mr. MacAskill moved that they approve the 2021 Annual Common Victuallers License Renewal for Capeside Kitchen - 537 Route 28, Suite 1G, pending Building Department Approval. Seconded by Mr. McManus.

Roll Call Vote: Mr. Howell - Aye, Mr. McManus - Aye, Mr. MacAskill - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

I. Discussion and possible vote – 2021 Seasonal Common Victuallers License Renewal

1. Sundae School Inc. DBA Sundae School Ice Cream – 606 Route 28

Mr. MacAskill moved that they approve the 2021 Seasonal Common Victuallers License Renewal for Sundae School Inc. DBA Sundae School Ice Cream – 606 Route 28. Seconded by Mr. McManus.

Roll Call Vote: Mr. MacAskill - Aye, Mr. McManus - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

Mr. Ballantine commented that Mr. Howell may have left the meeting, due to pain from knee surgery.

J. Discussion and possible vote – 2021 Seasonal Entertainment License Renewal

1. Sundae School Inc. DBA Sundae School Ice Cream – 606 Route 28 – Weekday 11AM – 10:30PM and Sunday 11AM – 10:30PM – Recorded music and antique nickelodeon inside

Mr. MacAskill stated that he felt that they need to be consistent and they approved the nearby establishment for entertainment only until 10:00 pm. He said that he feels that they need to be consistent, even though it is a difference between ice cream establishment and restaurant. He said that they should have the same end time for entertainment.

Mr. Nickerson said that he lives across the street and has never heard music there, and it may only be for inside.

Mr. Ballantine said that they will hold this until next week for clarification.

Mr. Tomlinson asked about procedural requirements for reapplying following tonight's decisions and comments. Mr. Powers said he was not able to answer the questions. Mr. Ballantine said that anyone is able to re-apply.

OLD BUSINESS

- A. Discussion and possible vote to reconsider the Board's position on Article 36 –Sand Pond Revitalizations Project- on the 2021 Annual Town Meeting Warrant

Mr. Powers explained that, as they are approaching Town Meeting, Article 36 is a community preservation article for the Sand Pond Revitalizations Project. He said that when the Board of Selectmen first entertained this matter, they were motivated in part because at that time, the Finance Committee had voted indefinite postponement. However, the Finance Committee has reconsidered their action and recommended approval of it. Mr. Powers said that he was asked to make the Board aware of this, so it is presented this evening. He said that the Board may wish to take any action on their recommendation, up to, and including, reconsideration of indefinite postponement.

Mr. John Mahan, Chairman, Recreation & Youth Commission, said that he knows there has been a lot of discussion about this, and they just wanted it to be clear that they are not trying to make Sand Pond like Bank Street. He said that two years ago they went before Town Meeting for a CPC request for the new handicap ADA bathrooms there and this is just the next step to spruce it up a little bit. He has heard talk that they do not need another playground, and said that this is not a playground, but three pieces of equipment, two spinners and a swing set. He said that this would replace the broken fence and take down dead or diseased trees and removal of the dilapidated boat house, which is beyond repair. There is no plan to bring swimming lessons back there or to pave the parking lot. Mr. Mahan said that they have had positive responses to revitalize this.

Mr. MacAskill asked if he could go over the numbers. Mr. Mahan said that the project request is for \$83,500, but apologized that he did not have a breakdown that he could share.

Mr. MacAskill said that if they need to do an addenda for the warrant to go to Town Meeting, he would like to see the breakdown of cost. He said that based on what Mr. Mahan said, this seems like a big expense and a controversial playground topic.

Mr. Powers said he could acquire the original application that was sent to CPC, if they would like. He said that they also had the draft motions meeting this morning, and there was a positive motion that will be made by the Finance Committee on behalf of CPC. Therefore, the motion for indefinite postponement would have to be made separately.

Mr. Ballantine said that he has also received emails with concern about destroying natural areas with a playground, which Mr. Mahan refuted, and

also answered his concern about the swim lessons, but he agreed the cost seems high for minimal work. He said that he thinks the concern is to leave it as natural as possible, and he would like to get it reinforced.

Mr. MacAskill said that it is going to Town Meeting, and it just does not have a positive motion from Board of Selectmen, but it is going to vote. He thinks that what Mr. Mahan is looking for is for the Board of Selectmen to endorse it.

Mr. Mahan said that is correct, and to let it be decided at Town Meeting on Saturday.

Mr. Ballantine asked if Mr. Powers has that.

Mr. Powers shared the breakdown of the cost: Picnic tables - \$4812, Boathouse demo/removal \$5000, Swing set \$7,120, Topsy Turner Spinner, \$8,544, Omni Spinner \$12,234 and playground surfacing \$26,000, landscaping \$5,000 and project contingency on total \$10,873.

Mr. Mahan said that it is pretty straight forward and as they can see the playground is a big part, because it is a new area and it requires ADA compliant playground resurfacing, which is the big chunk at \$26,000.

Mr. MacAskill said that he just wanted to mention that 2/3 of this cost is the playground. He said that they are looking to build a very expensive playground at the elementary school, which is open to the public and they have an expensive playground at Brooks Park. He said that they have not voted against any project related to the Recreation Commission since he has been on the Board. However, the complaints that he has been getting about Sand Pond, and if they are going to remove a small shed for \$5,000, that is a gross misspending when Mr. Hooper could do that with two bucket loads. Mr. MacAskill said that what it really comes down to, is if they want a playground at Sand Pond or not. Some people do and some don't and it will go to Town Meeting for a vote. He said that what he has heard is parents that bring their kids there, are concerned that they will have kids in the water and kids at the playground, and they will not be able to watch them both. He said that is a legitimate concern. He does not think this is a good spend of tax payer's dollars.

Mr. Mahan said that the playground at the Elementary School will not be open to the public when school is open, and also explained that the shed is more than just a small shed, and is a pretty big building. They received that bid and was not just something that they made up. He said that the Rec Commission did a survey, and one of the things at the top of the list was recreational opportunities in other areas of town. That is one of the reasons they are pursuing this.

Mr. Sandy McLardy, resident, said he had a question, if the bathrooms were phase 1 and playground phase 2, he asked if there were additional phases being considered? Mr. Mahan said not that he is aware of.

Mr. McManus made a motion for reconsidering the Board's position on Article 36 –Sand Pond Revitalizations Project- on the 2021 Annual Town Meeting Warrant. Mr. Ballantine seconded it, for a vote.

Roll Call Vote: Mr. MacAskill - No, Mr. McManus - Aye, Mr. Ballantine - No. Motion did not carry at a vote of 1 - 2 - 0.

B. Ongoing discussion – Comprehensive Wastewater Management Plan (CWMP)

a. CWMP Revision - Update Discussion

Mr. Dan Pelletier, Superintendent, Water Department, said that they have been speaking with GHD on all matters wastewater recently, including CWMP, and have discussed a plan for how to consider moving forward. He turned it over to Mr. Kleekamp to go over the details.

Mr. Russ Kleekamp, GHD Consulting, said that regarding the CWMP, he understands that the Town wants to make some modifications. He said that going forward that is a process that has defined steps to it, and they would really need to know what the changes and the modifications are. They did go through the CWMP and highlighted things that they felt were worthy of a second look; such as, the financing plan, evaluation of the IA systems, and public engagement. However, he said, there are two things they would recommend moving forward with before issuing a scope of work for a change to the CWMP. The first is a meeting with MEPA (Massachusetts Environmental Policy Act),

which is required when you do a notice of project change. Also, to host some public engagement, so they can get some understanding from the residents. He said that once they get the feedback from those two items, they would be very happy to issue a revised scope of work and what that work would entail moving forward.

Mr. Ballantine asked what was there idea of timing? Mr. Griffin Ryder, Town Engineer, said that they have been working with GHD weekly if not more often and the hope is to move this forward and keep the momentum. He said that the MEPA meeting could happen in short order, and that is an important first step. He said that GHD has done a thorough review of the CWMP, and they have the material to have the meeting with MEPA. He said it would also be in the best interest of the Town and residents to have a workshop, which could be lengthy and include both topics or break it into two meetings.

Mr. Ballantine agreed and said that the timing is critical. Mr. MacAskill asked why they aren't moving forward now and asked what is needed to move it forward? Mr. Ballantine said he thinks they just need a consensus. Mr. MacAskill said that he is in, same with Mr. Ballantine. Mr. McManus also supports moving forward.

Mr. Ryder said the next step will be to work on scheduling with the Board of Selectmen.

Mr. MacAskill said he thinks multiple meetings make more sense, otherwise you tend to lose people's interest. He said that he supports multiple meetings and things that the Board of Selectmen should have a conversation sooner than later on how residents would want to be educated on this.

Mr. Ballantine said that he agrees!

Mr. Kleekamp said that they have some very specific items, to have a thorough conversation on each topic, and he agreed that separate meetings is a great idea.

Mr. MacAskill asked about how Mr. Kleekamp gets paid, if it goes above the current contract? Mr. Kleekamp explained that most of what is being done falls under building the relationship with the Town of

Harwich. He said that they do have a small on-call contract, not to exceed \$5,000, for times that they have to publish a memorandum or larger items with contractual backing.

Mr. Ballantine asked Mr. Pelletier if he had anything to add and if they recieved enough direction for tonight.

Mr. Pelletier said he would just throw in one comment, he said that the thought for tonight with respect to this process and the MEPA conversation, was really just for transparency as they continue forward with wastewater. He said that they may come more frequently with shorter conversations, and that is really just to keep them in the loop with what is going on.

Mr. MacAskill moved that next time they should be sure to have this earlier in the agenda.

Mr. McLardy said that he wanted to mention that Mr. Kleekamp and his boss had met with him and his wife, and said that they appreciated his time. He said that they are in good hands, and that GHD went out of their way to hear his concerns.

C. GHD SewerCAD Modeling Update

a. Pump Station Discussion and Site Review

Mr. Ryder said this is different than the CWMP, and that the pump station review is under the sewerCAD contract. Citing these pump stations is the backbone of the sewerCAD modeling that is going to be done, and will need to be done timelier because the modeling will help inform the CWMP. He said that they have reviewed this with Mr. Kleekamp and feel comfortable with the locations, but they want to make sure the Board and public are on board with that. He said that the pump stations define where everything is going.

Mr. Kleekamp said they have approximately 30 pump station locations, and they have that uploaded on Google Earth. He said that if they have approximately an hour at a dedicated meeting, they could go through each one. He said that it does all start with the pump stations, and they

would not want to get to the end and have to start over. This is a great first step to do, and will define the back bone of the sewer system.

Mr. Powers will work with the Board at the next meeting to discuss scheduling.

D. Update on Halls Path

Mr. MacAskill said that Mr. Powers was on vacation last week, but he did have a conversation with Attorney Shirin Everett, KP Law, related to the first lifting of the Cease and Desist. He said that Ms. Everett knows that she cannot speak to the other attorney unless approved by the Board of Selectmen. He said that he had a good debriefing with Mr. Powers today, and they agreed to meet at the end of the week. They had a decent strategy session about what had happened and Mr. Powers will gather some information. Mr. MacAskill said that he also spoke with Attorney John Giorgio, Chief Counsel, KP Law, to let him know what they were doing and, Mr. Giorgio said that he will do a fact finding mission on their end and said they had some talented attorneys working for them that could assist. Mr. MacAskill said that the road is being heavily traveled and residents want to see what they are talking about, but it is becoming a throughway from Pleasant Bay Road to Route 137. He said that they should consider adding speed bumps to try and slow traffic. He asked the Board of Selectmen to support Mr. Powers in having a discussion with the DPW, Police and Fire regarding this.

Mr. Ballantine and Mr. McManus both provided their support and consensus to move forward with that.

Mr. MacAskill said that it is extremely important that the message stays the same and that the Board of Selectmen is directly involved in this, through the Town Administrator. He said that nothing else can happen out there, by anyone, including the building commissioner.

Mr. Powers said he would like to confirm this and appreciates the Board, and the manner they have taken this on. He said that they have invoked appropriate aspects of the charter, which is investigation of the actions. It is important that everyone understands this is a matter under consideration by the Board of Selectmen, through the Town Administrator. He said that people need to take confidence in that, and certainly allow him, with the direction of

staff, to raise the safety concerns with traffic and road repair. Mr. Powers said that he appreciates what has been said, and that it is clear and easy for him to perpetuate the correct messages.

TOWN ADMINISTRATOR'S REPORT

Mr. Powers said he does not have a report at this time.

SELECTMEN'S REPORT

Mr. MacAskill thanked the Board members and Mr. Powers and Ms. Eldredge. He said they are spending a lot of time together, and the dedication and the work the Town Administrator is doing. He said that it is easy to criticize them, but they are taking a lot of time due to the love and commitment of their town. He said that he appreciates the Board for how many hours they are taking on all of the issues.

Mr. McManus thanked Mr. MacAskill for his comments.

ADJOURNMENT

Mr. MacAskill moved that they adjourn at 9:53 pm. Seconded by Mr. McManus

Roll Call Vote: Mr. McManus - Aye. Mr. Ballantine - Aye, Mr. MacAskill - Aye. Motion carried by unanimous vote.

Respectfully submitted,

Lisa Schwab
Board Secretary

