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**MINUTES
SELECTMEN'S MEETING
TOWN HALL
MONDAY, JUNE 13, 2022
6:15 P.M. - EXECUTIVE SESSION
6:30 P.M. - REGULAR MEETING
REMOTE PARTICIPATION OPTIONAL**

**RELEASED
APPROVED**

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

ALSO PARTICIPATING: Town Administrator Joseph Powers

CALL TO ORDER

Mr. MacAskill called the meeting of the Board of Selectmen to order at 6:15 p.m. to begin with Executive Session.

EXECUTIVE SESSION

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

Mr. MacAskill called the meeting back to order following Executive Session. The Board voted to affirm a new 3-year contract for the Harwich Firefighters Association. No other business was discussed.

PUBLIC COMMENTS/ANNOUNCEMENTS

Judith Ford was present and announced that Keltic Rip Tide will be playing at the South Harwich Meeting House on Saturday night at 7:30 p.m. She stated that it will be an amazing concert and will be dedicated to the memory of Stephen Ford. Ms. Ford invited the public and the Board to attend. Informational posters will be brought to Town Hall and copies provided to the Board. The flier is also on the Channel 18 scrolling bulletin.

Channel 18 Director Jamie Goodwin was present and sadly announced that longtime volunteer and previous staff member Jack Wyatt passed away last week. They will be posting a special playlist of a segment that he and Bill Flynn Sr. used to host. It will be posted tomorrow on the Channel 18 Facebook page. Ms. Goodwin and the Board offered their condolences to Mr. Wyatt's family.

PRESENTATION/PUBLIC HEARING

- A. Public Hearing – Vote to approve the change in fee for Abutters lists as recommended by the Board of Assessors

Ms. Anderson read the public hearing notice.

Board of Assessor's Member Richard Waystack and present with Interim Assessor Gail McAleer. The Board of Assessor's would like the town to consider adjusting the fee for abutters lists. The current fee is \$50 for the first 25 abutters and then an additional \$2 per abutter over 25. This can

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get very costly to the taxpayer when the abutters list includes a condominium complex. At their meeting on May 9, 2022, the Board of Assessors voted unanimously to recommend setting a flat fee of \$50.

No public comment was heard.

Mr. Ballantine moved to close the public hearing, 2nd by Ms. Anderson and approved 4-0-0.

Ms. Anderson moved to change the fee for Assessor abutter list to a flat fee of \$50.00 as recommended by the Board of Assessors, 2nd by Ms. Kavanagh and approved 4-0-0.

Mr. Waystack reported that at their last Board of Assessor's meeting, they signed a new commitment for an additional \$8993 for 5 revised parcels and 5 omitted parcels. This is due to the work being done by Ms. McAleer and her staff. This number will also increase our levy going forward for next year.

Mr. Ballantine asked how far back taxes were able to be collected for these properties. Ms. McAleer responded that they only have until June 20 of every fiscal year to send out revised and omitted assessments.

- B. Public Hearing – Vote to approve the change in fees for the Transfer Station as recommended by Lincoln Hooper, Director of Public Works

Ms. Anderson read the public hearing notice.

DPW Director Lincoln Hooper was present and briefly explained what his recommendation is for sticker fees. His recommendation is as follows:

- Increase residential permit fee from \$160 to 190
- Increase Non-Resident permit fee from \$225 to \$250
- Increase Commercial MSW from \$120 to \$130
- Increase C&D from \$165 to \$175

No public comment was heard.

Ms. Kavanagh moved to close the public hearing, 2nd by Ms. Anderson and approved 4-0-0.

Mr. MacAskill stated that there were comments made by Board members at the last meeting who were reluctant to raise the residential permit fee.

Mr. Ballantine commented that he appreciates all of the information that has been provided. There was discussion about only increasing the residential fee to \$180.

Mr. Hooper feels that the tonnages from MSW and C & D have found to be inelastic to price because there are not many avenues to dispose of them.

Ms. Anderson realizes that the odd ball items aren't big money and suspects that they are more nuisance items. She asked why each odd ball item couldn't be increased by \$5. Mr. Hooper responded that most of those items are priced to what our counter parts charge and the cost of disposal.

Mr. Ballantine noted his concern about raising the prices and then potentially seeing more trash left on the side of the road.

Ms. Kavanagh thanked Mr. Hooper for the information provided. She would like to see increases in the non-residential, MSW and C & D to try and buffer any increase to residents. Ms. Kavanagh suggested keeping residential at \$160 or \$170 and increase the other rates.

Mr. MacAskill asked why the MSW chart provided doesn't include rates from Brewster. Mr. Hooper responded that Brewster does not take commercial. Mr. MacAskill asked about Yarmouth. Mr. Hooper responded that Yarmouth is run by Cavanta. Chatham does not take any commercial MSW.

When a new Finance Director is hired, Mr. MacAskill would like to do a deep dive on why we want to be in this commercial trash business. Mr. Hooper's quick answer was so that we don't have to go higher on residential rates.

Mr. Hooper stated that the non-resident stickers are not a high volume item, that we only sell approximately 150 stickers per year.

The new rates would become effective on July 1, 2022.

Ms. Kavanagh moved to maintain the residential permit fee at \$160, increase non-resident permit fee from \$225 to \$270, increase Commercial MSW from \$120 to \$140 and increase C & D from \$165 to \$185 for FY23 disposal area fees, 2nd by Mr. Ballantine and approved 4-0-0.

Mr. MacAskill hopes that we can start this process earlier next year. He also gave kudos to all transfer station staff for a well-run operation.

- C. Public Hearing continuation from May 23, 2022 - Discussion and possible vote to approve the Stormwater Permit Application submitted by Eastward Companies Business Trust, Eastward MBT LLC, Trustee for subdivision located at 0 Orleans Road/Route 39; Assessors Map 63/C3/0.

Ms. Anderson read the public hearing notice.

David Clark from Clark Engineering was present with Susan Ladue from Eastward Companies, who was present remotely.

Mr. Clark provided the revised documents and plans as requested. He feels that everything is in order at this point.

Kelly Siry from VHB Associates was present remotely. They have reviewed the engineer's response and had one follow up question on sheet 9 of the plan set. Ms. Siry wanted to confirm that detention areas for the 100 year storm shown the roadway are correct. Mr. Clark responded that they are correct.

Mr. Powers stated that this hearing was continued from the Board's May 23 meeting. The Planning Board continued their meeting until tomorrow night.

Ms. Anderson moved to close the public hearing, 2nd by Mr. Ballantine and approved 4-0-0.

Ms. Anderson asked if Mr. Powers is comfortable with what is being presented to move forward. Mr. Powers responded that he is.

Ms. Kavanagh stated that in terms of the Planning Board, they would need to address any further development as each lot gets developed. This is something that we want to make sure is watched closely as this property is in a sensitive area.

Mr. Powers asked Ms. Siry if there is any reason why the application should not be accepted. Ms. Siry responded that that VHB is okay with the application moving forward.

Ms. Anderson moved to approve the Stormwater Permit Application submitted by Eastward Companies Business Trust, Eastward MBT LLC, Trustee for subdivision located at 0 Orleans Road/Route 39; Assessors Map 63/C3 4-0-0, 2nd by Mr. Ballantine and approved 4-0-0.

CONSENT AGENDA

- A. Vote to approve the following Board of Selectmen Meeting Minutes;
 - 1. October 19, 2020
 - 2. January 26, 2022
 - 3. January 31, 2022

Ms. Kavanagh moved to approve the consent agenda as listed above, 2nd by Ms. Anderson and approved 4-0-0.

NEW BUSINESS

- A. Vote to approve a One Day Wines and Malt Liquor license for Friends of the South Harwich Meeting House –270 – 260 Chatham Road - Event: June 18, 2022 6:30 p.m. to 9:30 p.m.

Ms. Kavanagh moved to approve a One Day Wines and Malt Liquor license for Friends of the South Harwich Meeting House –270 – 260 Chatham Road - Event: June 18, 2022 6:30 p.m. to 9:30 p.m., 2nd by Ms. Anderson and approved 4-0-0.

- B. Vote to approve a fee waiver for the Friends of South Harwich Meeting House for a One Day Wines and Malt Liquor License

Ms. Kavanagh moved to approve a fee waiver for the Friends of South Harwich Meeting House for a One Day Wines and Malt Liquor License, 2nd by Ms. Anderson and approved 4-0-0.

- C. Discussion and possible vote to approve and authorize the Chair to sign the Fiscal Year 2022 Budget Transfers as approved by Finance Committee

Mr. Powers stated that this is the final step in a multi-step process as part of year end close out for FY22. This is a process that is regulated under the states finance codes.

Ms. Kavanagh moved to approve and authorize the Chair to sign the Fiscal Year 2022 Budget Transfers as approved by Finance Committee as presented, 2nd by Ms. Anderson and approved 4-0-0.

OLD BUSINESS

- A. Vote to approve to give the Chief of Police authority to close any town beach at his discretion

Chief of Police David Guillemette was present and provided a brief overview of why this action is being requested. We have been experiencing a number of problems at Bank Street Beach and some at Red River Beach, most specifically during the July 4th holiday. There has been a noticeable

increase in crowds and violence. Chief Guillemette feels that the Board should know that this has been planned for a while and this is not something that he takes lightly. This option needs to be available to protect the safety of all and maintain order. If a closure is pre-planning, he will notify the Board through the Chair, however Chief Guillemette feels that it would be used on more of an emergency basis.

Ms. Anderson moved that, to ensure safe and appropriate celebrations and other activities for Town residents and visitors of all ages, and to allow such persons to enjoy our Town and its unique resources, the Select Board emphasizes the authority of Chief of Police under G.L. c.41 §98 and other laws to address public safety issues at Town beaches, including closing all or a portion of a Town beach as may be necessary and appropriate to maintain order and protect the public safety, and to confirm and approve the vote of the Recreation and Youth Commission in this regard; provided, however, that this vote shall in no way limit the authority of the Chief of Police to carry out all of the duties and responsibilities incumbent on him by law, 2nd by Ms. Kavanagh and approved 4-0-0.

CONTRACTS

- A. Vote to approve the Fiscal Year 2023 Human Service Grant contracts

Ms. Kavanagh moved to approve the Fiscal Year 2023 Human Service Grant contracts as presented, 2nd by Mr. Ballantine and approved 3-0-1 (Ms. Anderson abstained)

- B. Vote to authorize the Chair to execute the Memorandum of Agreement between the Town of Harwich and the Town of Orleans for the adult supportive day care program

Ms. Kavanagh moved to authorize the Chair to execute the Memorandum of Agreement between the Town of Harwich and the Town of Orleans for the adult supportive day care program, 2nd by Mr. Ballantine and approved 4-0-0.

- C. Vote to approve the Amendment to extend and update the Grant Agreement between Town of Harwich and Cape Cod Community Media Center for public access

Ms. Kavanagh moved to approve the Amendment to extend and update the Grant Agreement between Town of Harwich and Cape Cod Community Media Center for public access, 2nd by Mr. Ballantine and approved 4-0-0.

TOWN ADMINISTRATORS REPORT

Mr. Powers took a moment to speak about the process that resulted in the Town of Harwich executing a 3-year contract agreement with the Harwich Firefighters Association. The present agreement does not expire until June 30 and this new contract will provide a seamless transition into the next year. Mr. Powers thanked Assistant Town Administrator Meggan Eldredge, Fire Chief David LeBlanc and Deputy Fire Chief Craig Thornton for their assistance with this process. He also thanked Fire Department Staff Leighanne Smith, Justine White, Bryant Warner and Ryan Avery for everything that they brought to the table and the information that was provided.

Ms. Anderson commented that it is nice to have a group that understands the process and works through it in a professional manner. Ms. Kavanagh agreed.

Mr. MacAskill thanked Mr. Powers and Ms. Eldredge along with Labor Counsel.

In working through the series of Human Services Grant applications with Ms. Eldredge, Town Nurse Susan Jussel and Conservation Agent Amy Usowski, it was found that there is a great need for assistance in the community. Mr. Powers gave the Board a heads up that he may be putting a request forward for grant increases. Harwich is very committed to these grants and thanked the team for all of the work that they put in on this.

SELECTMEN'S REPORT

No Selectmen's report was given.

CORRESPONDENCE

No correspondence was discussed.

ADJOURNMENT

Ms. Kavanagh moved to adjourn the meeting of the Board of Selectmen, 2nd by Ms. Anderson and approved 4-0-0.

Respectfully submitted,
Jennifer Clarke
Recording Secretary