



APPROVED

RELEASED

MINUTES
SELECTMEN'S MEETING
REMOTE PARTICIPATION ONLY
MONDAY, JULY 26, 2021
5:00 P.M. (Executive Session)
6:00 p.m. (Regular Meeting)

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

ALSO PARTICIPATING: Town Administrator Joseph Powers

CALL TO ORDER

Chairman MacAskill called the meeting to order at 5:00 p.m.

Ms. Anderson moved that the Board of Selectmen enter into Executive Session to discuss the items as listed below, 2nd by Mr. Howell. The vote was 4-0-0 with Mr. MacAskill, Mr. Ballantine, Ms. Howell & Ms. Anderson all voting aye by roll call.

EXECUTIVE SESSION

- A. Executive Session pursuant to G.L. c. 30A, sec. 21(a)(2) and (3) to conduct strategy sessions in preparation for negotiations with union personnel and to conduct contract negotiations with union personnel – SEIU
- B. Pursuant to MGL, c. 30A section 21 (a) paragraph 3 to discuss with respect to collective bargaining for all town unions if an open session would have a detrimental effect on the town's bargaining position and the chair so declares; including, but not limited to the International Association of Fire Fighters
- C. Pursuant to MGL c. 30A, §21(a) paragraph 3 to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigation position of the Town and the Chair so declares: Christopher D. Wise VS. Town of Harwich Planning Board, and Halls Path
- D. Executive Session pursuant to G.L. c. 30A section 21 (a) (3) to discuss litigation strategy to the case of Ember Pizza, Inc. et al vs. Town of Harwich, et al., Suffolk County Superior Court-Civil, Docket No. 2184CV01461, if discussing the matter in open session will have a detrimental effect on the Town's litigating position and the chair so declares

WEEKLY BRIEFING

Harbormaster John Rendon was present and announced that the Town has been awarded a grant in the amount of \$36,000 from the Executive Office of Housing and Economic Development. Grant money will be used towards the dredging of Allen Harbor.

PUBLIC COMMENTS/ANNOUNCEMENTS

Mr. Ballantine stated that he was reminded that it has been 2 years since the tornado came through Harwich. He would like everyone to remember what a great community we have with everyone coming together to get back up and running in record time.

PUBLIC HEARING AND PRESENTATIONS

A. Public Hearing – Discussion and possible vote to approve the 2021-2031 Comcast Renewal Contract

Ms. Anderson read the public hearing notice. Mr. Powers informed the Board and the public assembled that Channel 18 Station Manager Jamie Goodwin was affirmed as the point person for this contract and that we have been very well served by her involvement.

Ms. Goodwin was present and noted that this process was started in February 2019 when the retrained specialized council. A meeting was held in May 2019 and a survey was put on the Town's website, which received over 150 responses. Ms. Goodwin believes that this new 10 year contract will serve us well and added that Harwich has been awarded a first ever HD channel.

No public comment was heard. Mr. Howell moved to close the public hearing, 2nd by Mr. Anderson and approved 4-0-0.

Mr. Ballantine asked for clarification on what video return lines are. Ms. Goodwin responded that the lines are how we send our signal.

Ms. Goodwin thanked Bill August, the Attorney on behalf of the Town of Harwich as well as Michael Gala.

Mr. Howell moved to accept the 2021-2031 Comcast Renewal Contract as negotiated, 2nd by Ms. Anderson and approved 4-0-0.

B. Annual Presentation - Caleb Chase Fund

Paul Doane, Chairman of the Caleb Chase Board of Trustees was present and summarized the fund, noting that it is doing exceptionally well with funds approaching \$625,000. Mr. Doane visited the Town of Dennis to see how they operate their Caleb Chase Fund and found that they have a substantially different approach. It was noted that back over a year ago, when COVID-19 began to accelerate, the trustees were able to move quickly to expand features of the program by creating a broader category to provide financial assistance. The grant was expanded to awards of \$1000 and applicants can now apply as often as needed instead of every 3 years. These new provisions were put in place to run through July 1. The Board of Trustees met and decided to extend the provisions for another year, subject to their review.

Mr. Doane stated that he has served on the Board of Trustees since the late 80's and feels that it is time that someone else move into the position. He offered to stay at least through his current term.

Ms. Anderson asked if they are able to help anyone that applies. Mr. Doane responded that they are able to help anyone that qualifies financially. Payments are made to the vendor or the provider of the service. The Board of Trustees is finding that some of the payment categories can take 2-3 months to run through the process. The Board of Trustees is working with the Finance Director and the Council on Aging to see if they can make modifications to move things more smoothly.

Mr. Howell feels that you measure a town based on how it treats its less fortunate, adding that he is proud to live in Harwich.

CONSENT AGENDA

A. Discussion and possible vote to approve the Caleb Chase request in the amount of \$1,000

- B. Discussion and possible vote to accept the gift of Ace Watchdog hardware for the Police Department

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

NEW BUSINESS

- A. Discussion and possible vote to support the Local Initiative Program (LIP) for Chloe's Path affordable housing development

Attorney Andrew Singer was present. Mr. Powers stated that this is the first of what will be many meetings involving Attorney Singer, his clients and the developers. The meeting tonight is for the Board to discuss, if on behalf of the Town, they will vote to support the LIP. Mr. Powers added that we have heard from several residents regarding the project, adding that the Town's absence at last week's community engagement meeting was to allow the developer and the Attorneys their space to make their own presentation to the community.

Attorney Singer stated that he proposal is for a proposed affordable mixed income housing project on Chloe's Path located off of Sisson Road. The project is to construction 2 apartment buildings for a total of 96 units, with a mix of 1, 2 & 3 bedroom units. These units will provide desperately needed rental units. Attorney Singer added that they will be seeking 40b approval from the Zoning Board of Appeals (ZBA). In a more traditional 40b, the Selectmen take no formal role in the process. With a LIP, the process is different and the Selectmen play a more formal role in the process. If the Selectmen do not vote to support the LIP, the LIP cannot go forward and the applicants will have to go back to the drawing board. Under a LIP, the Selectmen do not issue a comprehensive permit or issue plans not do they review and vote on the design, scope and conditions of the project. The Selectmen however do plan a key role in looking at endorsing the proposal. The Chloe's Path proposal would raise the Town of Harwich's stock of affordable housing to 7.7%. While this project by itself would not solve the housing problem, Attorney Singer and his clients feel that it will go a long way to help the problem.

If the Board does support the concept of the LIP, they would then issue a letter of support to the State and would also sign the application along with the applicant.

Attorney Singer noted that they would not anticipate going before the ZBA or Conservation Commission until the very end of the year due to the long nature of the process.

Some of the biggest concerns raised have been regarding traffic and questions about impacts on Sisson Road and intersections to the North and South. The applicant has engaged with traffic engineers to conduct a traffic review. They have also been focusing efforts on wastewater, stormwater, landscaping, lighting, architectural design, screening, bus stop and crosswalk. As part of the most recent proposal, it was found that part of the land is mapped under the Massachusetts Endangered Species Program and that a deed restriction was put in place for part of the property. This current proposal changed where the buildings would be located on the property. Due to this change, the applicant would need to go back to the State and seek an amendment of the deed restriction.

The applicant is asking that the Board of Selectmen support the LIP, issue an endorsement and sign the application.

Mr. Powers suggested that the Selectmen have put this on a future meeting agenda, noting that tonight was for the purpose of Attorney Singer and his team to make a presentation and start to collect comments.

Ms. Anderson applauded the applicant for coming forward with an affordable housing proposal. She stated her concern that the prices, even for the affordable units, seem very high to her. She asked if there would be an onsite manager for the property. Attorney Singer responded that the affordable unit prices are pegged to the prices and guidelines that come from the Department of Housing and Urban Development for the region that the units are in. Whatever the prices are when the housing units go online it what will be charged. There will be a lottery process for the tenants with a local preference for the first run. There will be 2 full time staff on site from 9-5 on weekdays as well as 24/7 maintenance available.

Mr. Ballantine asked for clarification on how the 40b process works. Attorney Singer responded that the Selectmen's support of the LIP application is saying that they support affordable housing on this property. The ZBA will look at the application and condition the project, if approved.

Mr. Ballantine asked who would do the economic study. Attorney Singer responded that under 40b, it would be the state.

Mr. Ballantine noted that the Police Departments response is that they aren't concern about the residents, but that they are concerned that the residents would be concerned about noises coming from the Public Safety Building. Attorney Singer responded that this topic came up at the Department Head meeting and the response was that it would not be an issue. Brian Bush was present and stated that in his general opinion, the benefits of the location of the Public Safety Building far outweigh the negatives.

Mr. Howell stated that for the last 23 years he has been involved in the Harwich Ecumenical Council for the Homeless and that he does care about housing. He does have a problem with getting 100% affordable housing numbers for all of the units not being affordable. Forgetting about this project, Mr. Howell wants to make sure that we know what is being planned and who will benefit from it. He stated that he is concerned that with 75% of non-affordable units, in this kind of environment, how they can be sure that someone will not try to sublet or use an opportunity to re-rent the unit. Attorney Singer responded that subletting or re-renting units would be prohibited by the least. If someone were found to be subletting, it would be a violation of their lease. The property owner would file a motion in housing court for violation of the lease and the person would be evicted. This process generally takes between 6-8 weeks.

Mr. MacAskill asked what is different from this proposal versus the original that was put forward. Attorney Singer responded that the only change was to the floor plan layouts. Ms. MacAskill asked what the difference is between the LIP/friendly 40b and a regular 40b. Attorney Singer responded that there is more input and discussion with a LIP than a regular 40b. Normally, under a 40b, these kinds of meetings would not happen. The LIP is a chance for leadership of location communities to have more input.

Mr. MacAskill asked how many acres the total parcel is. Attorney Singer responded that it was originally 12.13 acres but that 9.29 acres would be an accurate statement after the approximately 3 acres was deed restricted by the Town.

Based on feedback from Administration, Department Heads and residents, Mr. MacAskill isn't sure that he would be able to support this request without 3-4 pages of conditions. Attorney Singer responded that he understands the concerns and added that if the Selectmen endorse the application, they are not endorsing the site plan, final parking plan or mix of units. It would be an endorsement of the idea of having affordable housing on this property. Attorney Singer and his clients feel that even market rate rental units are needed. At this stage, none of these meetings are binding on either side as no application has been made. Mr. MacAskill agreed with previous comments that the even the market rate rents seem extremely high and asked if they have done a market rate study on the needs for the Town of Harwich. Attorney Singer responded that the study was completed 3 months ago. It was requested that a copy of the study be submitted to the Town.

Mr. MacAskill thanked the applicant for working on the traffic study. Attorney Singer responded that traffic review would be done as part of a public hearing. He added that a traffic review could be done at any time during the year and then adjusted to meet location conditions during a specific month.

Attorney Singer stated that they are not planning on having any more community engagement sessions before the Selectmen decide if they are going to endorse the project or not. He did provide his business card to anyone who wanted it and are still welcoming questions and comments.

Mr. Howell wants to make sure that the applicant is aware that the Affordable Housing Trust Board has engaged the Massachusetts Housing Partnership to engage a RFP for the old recreation building on Sisson Road. The aim is to have 8-10 affordable units on the site.

The biggest takeaway is that the Board of Selectmen is being asked to endorse affordable housing, not the site. The Board is not trying to approve this project tonight.

Peter Gorey from 226 Sisson Road was present to represent at least a dozen neighbors, direct abutters and others. They are asking for a seat at the table. Mr. Gorey requested that Town Staff, Mr. Powers, Ms. Eldredge and all Department Head's engage the community as well. Mr. Gorey stated that they are not against affordable housing and have no reason to think that the applicant only has good intentions. He disagreed with Attorney Singer's comment about a traffic study being done at any time during the year. Mr. Gory asked the Board to go into this with eyes wide open.

Kathy Clobridge from 225 Sisson Road was present and noted her concerns about traffic and public safety issues. She is concerned about the ability of the public safety vehicles to get in and out of the station if we add a project of this scope. Ms. Clobridge would like to see a traffic study done in July and isn't sure what value a project this large would bring to the town.

Attorney Michael Ford was present on behalf of 2 of the closest abutters, Bob & Andrea Doane. Mr. Doane handed a copy of a letter with attachments to the Board. Attorney Ford stated that one of the main issues is that this is all premature and that clearly buildings, roads and pathways

are all proposed in an area that the applicant doesn't have proper property rights to be before the Board. They are in an area of limit of disturbance in favor of fish and wildlife. These areas are to remain natural with no disturbance and can only be released by NHESP. Attorney Ford respectfully suggested that this property is not suitable for affordable housing because they don't have the property rights to apply for it. Another issues is that there is a covenant in place that required the property owner to undertake a turtle management program, which has not been done. Attorney Ford stated that his clients are also very concerned about nitrogen loading with the possible addition of 96 units. Attorney Ford's clients feels that unless the applicant has the property rights necessary to move forward with this project, that the Board should not move forward with an endorsement.

James Walpole from 214 Sisson Road was present. His driveway, living room and master bedroom are located directly across from the only access road to the proposed complex. In addition to occupants vehicles, there will be maintenance, snow removal and delivery vehicles. Mr. Walpole commented that his wife has significant respiratory issues and may not be able to go outdoors due to the increase in pollution. Mr. Walpole feels that the current proposal is unacceptable and does not fit the plan for the community.

Karen Beatty from 195 Sisson Road was present and commented that she is familiar with the affordable housing crisis but believes that this proposal is disingenuous. Ms. Beatty noted her concerns regarding privacy and safety and asked the Board not to endorse the plan as it currently stands.

Clara McLardy was present and asked for clarification on what the Board is being asked to endorse, if it is for affordable housing or 96 units. She asked why we are seeing 40b projects proposed in Harwich that we haven't seen in the past. Ms. McLardy feels that developers are salivating at the thought of sewer coming into Harwich. If we continue to add units, Ms. McLardy feels that we will no longer be at the 58% nitrogen removal requirement and that our options will be narrowed. If the applicant is going to do a denitrification removal system that reaches acceptable levels, then why are we installing sewer.

Susan (last name?) from Sisson Road was present and commented that if the developers can't make their proposal work with less than 100 units that they may want to re-look at their project.

Lou (last name?) from Forest Street was present and noted his concerns about the height of the buildings and what the view will be from his house. He is also concerned about the effect on the conservation later and hopes that the Board votes against the endorsement.

Sandy McLardy was present commented that every time you look at the housing study, that the year round homes are going down and we are losing our affordable community. While is not a fan of Chris Wise's projects, in his defense, he does not see the different between Mr. Wise's project and this one. Mr. McLardy does not see how we can build our way out of the housing crisis.

Judith Underwood was present and noted that she is a water and wastewater commissioner, a member of the Affordable Housing Trust and a resident on Sisson Road. A previous project was proposed at this location for 39 units. Ms. Underwood commented that she has been told that there is no way to add a traffic light at the entrance of the complex. Ms. Underwood stated her

concerns that the hill into the complex was not constructed properly and that the water that comes off of Sisson Road will move the hill and there will be a landslide.

Mr. Powers provided a brief overview of letters received from department heads, residents and property abutters. He will still be seeking comments from department heads that have not responded and will continue to take letters and comments from anyone else that wants to submit them.

Mr. MacAskill stated that it would be his intention to put this on an upcoming agenda. Mr. Powers commented that he would be looking at the August 23 agenda. Attorney Singer agreed.

B. Discussion and possible vote on potential increase from 4% to 6% on Short Term Rental Tax and allocation of funds from Short Term Rental Tax

Mr. MacAskill noted that this had been brought up for a few years and has historically been denied by the Board. We are already collecting the 4% which goes into the general fund. Past Boards have taken up wastewater and how it will be paid for as well as housing and OPEB. The conversation that needs to be had is if the Board wants to consider the additional 2% and where the money will go.

Mr. Ballantine stated that he has voted against this increase for various reasons, but is not stuck with that decision. He would like to have a discussion on how the funds would be allocated.

Ms. Anderson stated that she is in favor of this adding that she would like to see money go towards wastewater and housing but is open to discussing OPEB as well.

Mr. Howell asked then does proposition 2 ½ become proposition 7 ½. He feels that we are grabbing new growth and plowing them into the operating budget. He would feel more secure if these funds were linked to what they were originally approved for. Mr. Howell stated that he is not in favor of throwing a wheelbarrow of cash into the budget.

Mr. Powers stated that originally what was contemplated was a warrant article that would amend the town's room tax rate and increase hotel, motel and short term rental taxes from 4% to 6%. It is his understanding that town meeting would also need to take action to amend this to a higher amount. One of the other articles talked about was to create a special purpose stabilization fund.

It is the intent of the Board to consider raising the tax 2% and direct the Town Administrator to create a warrant article to have further discussion as well as work on a policy on where the money would be allocated.

Ms. Anderson asked what the process of notifying the business community is. Mr. MacAskill responded that he believes that the Chamber of Commerce sent out a email to their community and that if we do move forward, we can likely rely on a story in the Chronicle.

Chamber of Commerce Executive Director Cyndi Williams was present. She has informed businesses that the increase is probably inevitable. Ms. Williams would want to make sure that there is more involvement from the business community so they can best plan. She asked on the timing of the warrant article and effective date, if approved. Mr. Powers responded that if there isn't an effective date in the warrant article, it would go into effect for the first quarter of the year.

Sandy McLardy was present and commented that if his revenue does into the general fund, it would seem like a loophole to proposition 2 ½. If earmarked for wastewater, he wondered if it could be implemented for any technology.

The Board agreed that a warrant article should be drafted for fall town meeting and directed Mr. Powers to create a warrant article for the desire to raise hotel/motel/short term rental tax from 4% to 6% and to work with the Finance Director on the 6% number allocation. Mr. Howell would like that the warrant article be locked in and that if changed at a later date that it goes back to the body who made the decision.

C. Discussion – Potential Community Preservation Committee article – Harwich Center Ideas

There have been a lot of ideas kicked around regarding improvements in Harwich Center. Mr. MacAskill would like to propose a CPC article for lighting in Harwich Center as well as look into sidewalks.

Mr. Powers and Assistant Town Administration Meggan Eldredge have been conducting budget preparation sessions for FY23 and the 5 year outlook. He will be collecting information and bringing it to the Board what projects they feel the town should sponsor.

Mr. Powers has completed the towns required survey for the Department of Transportation on the conclusion of our shared streets winter streets program and as far as DOT is concerned, we have a completed project. In their survey, it was noted that the funding was a one-time effort and they asked if the towns has given any consideration in making the changes permanent. The town should, through the Selectmen, consider if the measures were meant to be temporary or if they should be made permanent, noting that early fall might be the best time for that conversation.

Mr. Howell noted the new addition of the electronic speed sign on Route 39 by Brooks Park. Police Chief Guillemette was present and commented that the sign was put up today and is operational and permanent. Mr. MacAskill paid kudos to the patrolman, noting that Harwich Center looks like a different location when the cruisers are present.

D. Discussion and possible vote to approve a license for Dan Ward to farm bay scallops in Herring River under a private dock at 99 Riverside Drive, Harwich

Mr. MacAskill stated that the plan provided in the packet has been approved by the Harbormaster and Waterways Committee. For him, he feels that the project is fairly self-explanatory.

Dan Ward was present with property owner Jeff Land. Mr. Ward commented that this project is a partnership between the 2 parties.

Mark Kelleher was present and stated that he wholeheartedly supports this request. He wanted to make note that there are other similar projects being required and hopes that the Board will take them into consideration.

Ms. Anderson moved to approve a license for Dan Ward to farm bay scallops in Herring River under a private dock at 99 Riverside Drive, Harwich, with the condition that during periods when the conditionally approved shellfish growing areas is in the closed status, bay scallops may be harvest for sale of the adductor mussel only, 2nd by Mr. Howell and approved 4-0-0.

E. Update by Town Administrator – 203 Bank Street Request for Proposal

Mr. Powers reported that he needs to acquire the services of a surveyor to finalize a situation that the town was made aware of a few months ago. We need to determine if an additional wetland needs to be delineated. Mr. Powers has directed the Conservation Agent to reach out to a local surveyor who can do the work, with the expectation that we will have them on contract for less than \$5000. He hopes to come back to the Board by early September to finalize information.

F. Update by Town Administrator - 5 Bells Neck Road Request for Proposal (2021 Annual Town Meeting - Articles 17 & 40)

Mr. Powers reported that the RFP has been posted in the Central Register and Cape Cod Chronicle. The timeline discussed at the last meeting has been pushed back by one week. Mr. Powers stated that he has had inquiries from individuals asking to talk to him about the RFP. Mr. Powers responded that it would be inappropriate to do so until the RFP has officially been released.

G. Discussion and possible vote to hold a Public Hearing for the alleged violations on July 3, 2021 at Port Restaurant and Bar - 541 Route 28

Ms. Anderson moved to hold a public hearing for the alleged violations on July 3, 2021 at Port Restaurant and Bar, 541 Route 28, 2nd by Mr. Howell and approved 4-0-0.

H. Discussion and possible vote to authorize the Town Administrator to be the Hearing Officer for the Public Hearing for alleged violations on July 3, 2021 at Port Restaurant and Bar – 541 Route 28

Ms. Anderson moved to authorize the Town Administration to be the Hearing Officer for the Public Hearing for alleged violations on July 3, 2021 at Port Restaurant and Bar, 541 Route 28, 2nd by Mr. Howell and approved 4-0-0.

I. Discussion and possible vote to approve a One Day Entertainment license for a private residence located at 638 and 638a Route 28, Harwich Port – Event to be held on August 20, 2021 from 4:30 p.m. to 9:30 p.m. with live music outside

Chief Guillemette was present and asked for clarification on approvals for private residences versus licensed establishments. If the Board is going to call this a special permit, then the applicant would be exempt from the noise bylaw regulation, during their permitted hours. He is looking for clarification on how to instruct his personnel if complaints are received.

Mr. Howell, Mr. Ballantine and Ms. Anderson agreed that they would not want to call it a special permit. Mr. MacAskill added that the Board can condition the approval.

Mr. Powers reported that we have seen an increase in these applications. The Board has the right to issue special permits and have relied upon the entertainment license bylaw. Entertainment licenses are meant for licensed establishments. Applicants are being told by staff that if the license is granted, that it is not a license to be noisy. His take on it is that the town would indicate that they are aware of the event, but it is not permission to act beyond the boundaries of the noise bylaw.

Mr. Howell feels that this is a policy issue and he does not want to get involved with issuing a special permit for everyone who wants to have 20 friends over.

Ms. Anderson moved to approve a One Day Entertainment license for a private residence located at 638 and 638a Route 28, Harwich Port – Event to be held on August 20, 2021 from 4:30 p.m. to 9:30 p.m. with live music outside, with the condition that the event must conform with the Town of Harwich noise bylaw, 2nd by Mr. Ballantine and approved 3-1-0 (Howell).

- J. Discussion and possible vote to approve a One Day Entertainment license for a private residence located at 44 Chatham Road, Harwich – Event to be held on August 27, 2021 from 5:00 p.m. to 10:00 p.m. with live music outside

This application was previously approved, however the date of the event has changed.

Ms. Anderson moved to approve a One Day Entertainment license for a private residence located at 44 Chatham Road, Harwich – Event to be held on August 27, 2021 from 5:00 p.m. to 10:00 p.m. with live music outside, with the condition that the event must confirm with the Town of Harwich noise bylaw, 2nd by Mr. Ballantine and approved 3-1-0 (Howell).

- K. Discussion and possible vote to approve a new seasonal 2021 Common Victuallers license – Ashwood Food Service Inc. d/b/a Snack Shack – 715A Main Street – *Pending Certificate of Insurance and Building Department/Health Department Approval*

Mr. Powers clarified that the 715A Main Street location is Saquatucket Harbor. Ashwood Food Services is known locally as Jake Rooney's. The reason that the Health Department did not sign off on the application is because Mr. Powers had directed the applicant to meet with him. The next step would be for the Board to approve the Common Victuallers license so the process can move forward, subject to Building and Health approvals. The applicant is not anticipating opening before August 10. As of today, the town still has not been able to acquire the foods and the equipment that the prior establishment had.

Richard Waystack was present and asked if the bidder was going to be dictated as to what their menu would be. Mr. Powers stated that during negotiations, he asked the bidder to not tell them their planned menu.

Ms. Anderson moved to approve a new seasonal 2021 Common Victuallers license – Ashwood Food Service Inc. d/b/a Snack Shack – 715A Main Street, Pending Certificate of Insurance and Building Department/Health Department Approval, 2nd by Mr. Ballantine and approved 4-0-0.

OLD BUSINESS

- A. Discussion and possible vote on holding a special Board of Selectmen meeting on Tuesday, August 10, 2021 at 6:00 p.m. to discuss Comprehensive Wastewater Management Plan (CWMP) revisions as well as SewerCAD modeling

The Board is being asked to consider a standalone meeting for August 10 at 6:00 p.m. to discuss the CWMP revisions as well as sewerCAD modeling. It is meant to be a broader discussion and resume community engagement. This could also be used as an opportunity let our counter parts of Dennis and Yarmouth know that we are having these discussions. Mr. Powers stated that it is important for the town to re-engage these conversations.

Mr. Howell commented that the only comparisons that we have been offered are how much will be saved with a regional agreement versus building our own.

Mr. MacAskill asked if August 10 would be enough time to get people to this meeting and make sure that we are able to have an educated discussion.

Mr. Ballantine stated that he would not be able to make a meeting on the 10th. Mr. MacAskill asked about the possibility of the 17th or the 24th. Mr. Powers responded that he would be prepared to push the meeting out to the week of the 23rd or even past Labor Day. He asked if August 24th would work for the Board and the Board agreed.

Mr. Howell would like to make sure that the Board receives a copy of the last agreement with DHY and to make sure that it is posted on the website. Mr. Powers responded that he would try. He did note his concern that what Harwich considers the final agreement isn't what the other towns and vendor have.

Clara McLardy was present and asked what the agenda items would be. Mr. Powers responded that the agenda would include the CWMP revisions and sewerCAD. Under the CWMP, Ms. McLardy would like to talk about developments and sewer.

Sandy McLardy was present and commented that it seems like there was a emphasis on the DHY IMA versus a separate entity. Mr. MacAskill responded that this is just the beginning of bringing back public engagement.

Ms. Anderson wondered if this was a lot for one meeting and wondered if there should be a separate meeting for DHY discussions. Mr. Powers responded that a separate meeting could be scheduled, but that this is how we need to move forward to start discussions.

Mr. Howell stated that no one should have the assumption that we are going to have an article at town meeting this fall.

Mr. MacAskill asked that information be provided to the Board as soon as possible.

B. Procurement Update – all open projects and time frame

The Board was provided with a spreadsheet of procurement activates which is meant to demonstrate that we continue to track procurements that are out there. Mr. Powers reviewed the information provided to the Board. Mr. Powers provided the Board with an update on the Judah Eldredge land noting that he is working with staff to revive the town's efforts to complete the acquisition of the property as authorized by the vote of town meeting under article 55 at the 2018 annual town meeting.

C. Update on Halls Path

Mr. MacAskill reported that a productive meeting was held after the lawsuit was filed. There isn't much that can be discussed in open session because are in litigation, but the attorneys have a clear direction on where we want to go.

D. Discussion and possible vote - Mark Kelleher, Kelpheher Farms, regarding bay scallop

Mr. MacAskill stated that 2 weeks ago, the Board had a presentation from Mr. Kelleher. AT the time, the Board showed interest in the application however the application was denied by the Harbormaster, Natural Resources Director and Waterways Commission. Though Mr. MacAskill feels that it is a great proposal, it will open Pandora's Box. The proposed expansion would take away from other residents being able to drag in that area.

Mr. Ballantine commented that he appreciated the proposal and did push back with the Harbormaster asking if there are any other sites that could be used. After a lengthy discussion, Mr. Ballantine is no convinced that the proposal won't work and is on Board with not moving forward with the application. Ms. Anderson agreed.

Mr. MacAskill asked if Mr. Kelleher needs a vote from the Board denying the request. Mr. Kelleher responded that he does not.

Mr. Kelleher stated that he accepts the decision of the Board although he thinks that the topic will resurface because there is potential out there. For the sake of clarity, he would like the Harbormaster to refuse him the 10A permit sot that he can appeal it with DEP. Harbormaster John Rendon was present and thanks that there is a distinction that needs to be made. The 10A permit is separate from the permit that the Board would be authorizing. In his mind, he will not issue the 10A permit and will put that decision in writing.

CONTRACTS

- A. Discussion and possible vote to authorize the chair to sign the contractor evaluation form for the Cranberry Valley Golf Course Cart Barn construction

Ms. Anderson moved to authorize the chair to sign the contractor evaluation form for the Cranberry Valley Golf Course Cart Barn construction, 2nd by Mr. Howell and approved 4-0-0.

- B. Discussion and possible vote to approve the lease agreement for a 14 passenger van with the Cape Cod Regional Transit Authority to be used by the Council on Aging

Ms. Anderson moved to approve the lease agreement for a 14 passenger van with the Cape Cod Regional Transit Authority to be used by the Council on Aging and authorize the Chair to sign the agreement, 2nd by Mr. Howell and approved 4-0-0.

CORRESPONDENCE

- A. Update from Fire Chief David Leblanc on fluid spill on Depot Street

In the future, Mr. Howell would like a letter from the Police Chief on events on this nature. Mr. MacAskill commented that he would work with the Police Chief.

- B. Letter from John Mahan on Brooks Park lighting project
- C. Resident Thank You letter regarding Water Department

TOWN ADMINISTRATOR'S REPORT

Mr. Powers stated that his email has been hacked and that if anyone receives an email from him with "respond" in the subject line, to ignore it.

SELECTMEN'S REPORT

None discussed.

ADJOURNMENT

Ms. Anderson moved to adjourn the meeting at 9:30 p.m., 2nd by Mr. Howell and approved 4-0-0.

Respectfully submitted,
Jennifer Clarke
Recording Secretary

