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**MINUTES
SELECTMEN'S MEETING
TOWN HALL
MONDAY, AUGUST 8, 2022
5:45 P.M. - EXECUTIVE SESSION
6:00 P.M. - REGULAR MEETING
REMOTE PARTICIPATION OPTIONAL**

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

ALSO PARTICIPATING: Town Administrator Joseph Powers

Mr. Howell moved that the Board enter into Executive Session to discuss items as listed below and that the Chair has determined that open session would have a detrimental effect on the towns bargaining position, 2nd by Ms. Anderson. The vote was 4-0-0 with Mr. MacAskill, Mr. Ballantine, Ms. Anderson and Mr. Howell all voting aye by roll call.

EXECUTIVE SESSION

A. Pursuant to M.G.L., 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

CALL TO ORDER

Mr. MacAskill called the meeting back to order and reported that contracts have been ratified with both SEIU & IAMAW.

PUBLIC COMMENTS/ANNOUNCEMENTS

Executive Director of the Harwich Chamber of Commerce Cyndi Williams presented the Harwich 2022 Magazine. In addition to on-Cape locations, they have added a few off-Cape locations for magazine distribution. They have 20,000 magazines printed each year and have already started working on the 2023 edition. Ms. Williams announced that the Chamber also has a bottle refill station available for public use.

Water/Wastewater Superintendent Dan Pelletier was present and stated that the Board of Water/Wastewater Commissions has implemented a mandatory outdoor water ban. Hand watering is allowed from 12:00 a.m. – 8:00 a.m. and 5:00 p.m. - 9:00 p.m. Hand watering is defined as if you can hold it in your hand, you are hand watering. He stated that the Water Department does not have jurisdiction over private drinking or irrigation water wells, although they are still looking to encourage those residents to modify use, as they are all straws in the same glass. For those looking to report a violation, there is a place on the Harwich Water Department website (hawichwater.com)

Chief of Police David Guillemette was present and introduced Jessica Ferreira as the next candidate for full-time police officer. Ms. Ferreira comes to the department with 2 years of experience from the Town of Hopkinton. Ms. Ferreira will not have to enter the Police Academy and will do an abbreviated training program.

PRESENTATION/PUBLIC HEARING

Board of Selectmen
August 8, 2022

- A. Presentation by Doreen Leggett, Cape Cod Commercial Fisherman's Alliance on results of the Port by Port: Profiles and Analysis of the Massachusetts Commercial Fishery report

Doreen Leggett of the Cape Cod Commercial Fisherman's Alliance was present to report on the results of the Port by Port Profiles and Analysis of the Massachusetts's Fishery report. The alliance was formed in 1991 by a group of fishermen and has been working with fishermen for more than 30 years to create solutions for both a balanced ecosystem and profitable fishing communities. Their work focuses on assessing the needs of today's fishermen with a responsibility of providing healthy oceans and strong fisheries for the next generation. Their visit tonight is part of an effort of both the alliance and the Division of Marine Fisheries to visit each town that has a commercial port on the Cape to help elevate awareness. 2018 permitting and statistics show that commercial fisherman landed 1,527,286 pounds of catch with an ex-vessel value of \$3,218,701. Harwich is a port that is growing in infrastructure. Ms. Leggett went on to review additional information that was provided in the packet.

Harwich Fisherman Stephanie Sykes was present and thanked the Board and Mr. Rendon for listening to the presentation. The support that has been given has tremendous economic value and she hopes to see commercial space maintained in our harbors.

Alliance Board Member Brian Sherin was present and commented that he has always believed that one of the key things that makes the Cape unique is the active small boat fishing community. In 2020, the Alliance launched a program called Small Boats, Big Taste. This program was in response to the fishing and food security challenges presented by COVID-19. The program helps independent fishermen stay on the water and also supplies food banks around the region. Since the summer of 2020, the program has produced 1.3 million servings of haddock chowder for distribution. The program shows the ingenuity of the Alliance staff to come up with solutions to the challenges of the fishing industry all while serving the community needs.

Harbormaster John Rendon was present and thanked the Alliance for their report, noting that they have been great to work with. His department spends a lot of time making sure that the bulkheads are clear for offload. They have designed slips and moorings specific for the commercial fleet. Mr. Rendon is very proud of what the town does to support the local fleet and hopes that the support continues.

Mr. Ballantine commented that several years ago, there were changes to licenses to allow commercial boats to also operate recreationally. Mr. Rendon responded that a policy was put in place to allow commercial fisherman with an "a" permit to be allowed to take charters on board. There are still some commercial vessels that do that periodically. Ms. Sykes added that while they are still a commercial fishing business, but that it is nice to have the diversity to offer charter as well.

Mr. Howell applauded everyone for their efforts.

Ms. Anderson stated that she has a great respect for the Alliance and is happy to hear that people are fishing.

Mr. MacAskill noted great work done by the Alliance.

- B. Public Hearing – Vote to implement liquor license fee structure change as presented in the packet

Mr. Howell read the public hearing notice. No public comment was heard.

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

Ms. Anderson moved to implement the liquor license fee structure changes as presented in the packet, 2nd by Mr. Howell and approved 4-0-0.

CONSENT AGENDA

- A. Approve the Chief of Police's recommendation to appoint Jessica Ferreira to full-time Police Officer

Mr. Howell moved to approve the Chief of Police's recommendation to appoint Jessica Ferreira to full-time Police Officer, 2nd by Mr. Ballantine and approved 4-0-0.

- B. Approve the following Board of Selectmen Meeting Minutes:
1. February 22, 2022
 2. May 23, 2022
 3. June 6, 2022
 4. June 13, 2022
 5. June 21, 2022

Mr. Howell moved to approve the Board of Selectmen meeting minutes as listed above, 2nd by Ms. Anderson and approved 4-0-0.

NEW BUSINESS

- A. Approve the appointment of Sarah Eaton as Computer Coordinator

Mr. Powers presented for the Board's affirmation and approval, Sarah Eaton as Computer Coordinator. Ms. Eaton is the ideal choice for this role given her years of experience and related educational achievements. Mr. Powers is confident that she will make an immediate positive impact in this role and will be an integral part of the team. There were 2 other strong candidates and a 3rd that would have done exceedingly well. Mr. Powers respectfully asked for the Board to approve this appointment.

Mr. Ballantine feels that this is a strong appointment. He did mention that a few weeks ago, the Board talked about seeing the credentials for all that applied for the position, while still maintaining the applicant's confidentiality. Mr. Ballantine asked Mr. Powers to expand on some of the backgrounds of others that applied. Mr. Powers responded that of the 4 candidates that were considered to be strong, 2 of them, 1 being Ms. Eaton had great municipal experience. Another had less than 7 years of municipal experience in IT and did not have the similar education background. The 4th candidate had a strong background in IT that warranted an interview, but no background in government.

Mr. Ballantine asked that in Mr. Powers' opinion, does Ms. Eaton have more background in hardware or software. Mr. Powers responded that when you talk about web based applications, that was Ms. Eaton's primary function in Orleans. She demonstrated a strong proficiency in hardware and other areas of software. Ms. Eaton is also familiar with Open Gov and has a strength in network support that will help us overtime.

Mr. Howell prefaced his comments by stating that on paper, Ms. Eaton looks and sounds great and that he is sure that she will do a great job. He added that the charter we have is the charter we have and that he does not care what anyone thinks it needs to be. Mr. Howell still uses the term confirmation, not affirmation. The vote requires 3 Board members to agree. He commented that over the last 5 years he has rarely gone to see a department head and has rarely voted against anyone. Mr. Howell stated that he is not prepared to vote on this based on the matter of process. He added that the Town Administrator had promised the Board that there would be some attempt

to bring forward the candidates information. Mr. Howell also commented that he would not be in favor of changing the charter either.

Ms. Anderson stated that Ms. Easton sounds very capable, so she does not have an issue with the hire. She feels that this is a process issue that needs to be talked about.

Mr. MacAskill said that the way the Board left it was that there would be conversations on an upcoming agenda and the Board was asked to provide feedback, which has not been received as of today. We did not agree to chance the process.

Mr. Powers hopes that tonight's vote is related to Ms. Eaton as the Director of IT. He would not want the position to be caught in the middle of a Board discussion on process. Mr. Powers would be remiss to say that he researched every one of the Board's policies and he found nothing that addresses this process. Mr. Powers is comfortable that his actions ensure that the town is protected from liability. At present, the Charter requires the Town Administrator to be the Chief Personnel administration.

While she understands Mr. Howell & Mr. Ballantine's concerns, Ms. Anderson hopes that the Board can confirm Ms. Eaton, who is very qualified to fill the position.

Mr. Ballantine stated that he respectfully disagrees with Mr. Powers reading of the charter, but added that time is of the essence.

Mr. Powers does not view his presentation tonight as running against the charter and he apologized if the Board feels otherwise. He urged the Board to take up the policy discussion at a future meeting and not have it involved with a future employee's hiring.

Mr. Howell stated that this is the last time that he will vote on a selection like this. He has been on the Board for 11 years and has always gotten to a point as a matter of practice of getting information on the candidates. Mr. Howell does not feel that any one on the Board divulges confidential information.

Mr. Ballantine moved to approve the appointment of Sarah Eaton as Computer Coordinator, 2nd by Ms. Anderson and approved 4-0-0.

B. Vote to authorize the Town Administrator to hold Show Cause Hearings and to be the Hearing Officer for the following licensed establishments:

1. Port Restaurant and Bar, Inc. – 541 Route 28 – Alleged violations occurring on June 15, 2022, July 1, 2022, July 2, 2022, July 4, 2022, July 5, 2022, July 6, 2022
2. The Lucky Labrador, Inc. d/b/a Perks – 545 Route 28 – Alleged violations occurring on July 2, 2022, July 4, 2022

Mr. Powers excused himself from the room.

In the packet, there are memos from the Chief of Police as well as Police reports. The job of the Board tonight is to decide if they want to schedule a show cause hearing and have the Town Administrator be the hearing officer. Chief Guillemette is recommending that the July 1, 2022 incident at The Port not be moved forward for a hearing. He does recommend that the July 2, 2022 incidents involving The Port and Perks be moved forward for hearings. He is not recommending that the July 4, 2022 incidents involving The Port and Perks move forward for a hearing. Finally, he is recommending that the July 5, 2022 incident involving The Port be moved forward for a hearing.

Mr. Howell stated that to the extent that there are witnesses to these alleged violations, he would like them to be involved in the hearing process. In terms of conducting the hearing, he would like to see a motion to hold the hearing and anyone who has personal knowledge of the events would be invited to come and provide testimony.

Mr. MacAskill commented that the job of the Board tonight is to decide if hearings will be scheduled, it is not to have the actual hearing. With respect to the crowd complaint, he knows that it was a large crowd and that there were lines of people down the sidewalk. It was the same in other towns as the July 4th weekend on the Cape was crazy and there were a lot of people. Mr. MacAskill knows that has soon as Police made contact with the establishments, that the lines were moved and controlled. For him, it would be a stretch to have a hearing regarding the July 2nd events. Mr. Ballantine agreed. The Police Department did an incredible job of handling crowds and traffic in Harwich Port during the July 4th weekend.

Ms. Anderson stated that Chief Guillemette did a nice job in his report analyzing the situation and that she would be in favor of moving forward with his recommendations.

Mr. Howell knows that some July 4th weekends are insane. He is more worried about cups of alcohol leaving the establishments. He noted that he is on the fence regarding the July 2nd incidents. The other part that has not been discussed is the Uber/Lyft lanes.

Perks owner Taylor Powell was present. He was there and witnessed the incidents and commented that there were lines everywhere on July 4 weekend. They did their best to control the line and they were trying to address the people on the side walk. He has staff present to make sure that drinks do not leave the site. Mr. Powell asked the Police for their assistance that night and he does not think that they should be held to a hearing. They were working on addressing the issue as it was happening and don't feel that it was a violation of their liquor license.

Mr. Howell moved to authorize the Town Administrator to hold Show Cause Hearings and to be the Hearing Officer for The Port alleged violations from June 15, 2022, July 5, 2022 & July 6, 2022, 2nd by Mr. Ballantine and approved 4-0-0.

Ms. Anderson moved to authorize the Town Administrator to hold Show Cause Hearings and to be the Hearing Officer for The Port and Perks alleged violations from July 2, 2022. No 2nd was heard-motion did not carry.

Mr. Powers returned.

Mr. Powers stated that he has not read any of the materials related to both establishments and that when he is presented with the information, he would only read details relative to the specific dates.

Mr. Howell said that the Board encourages anyone who was a firsthand witness of these alleged violations to attend the hearings.

Mr. MacAskill wants to make sure that these hearings are moving forward quickly.

- C. Vote to approve the following one day special permit requests for Reciprocity – 4 Cross Street – Event on September 5, 2022 – 4:00 p.m. to 8:00 p.m. outside
 - 1. One day entertainment – Live/recorded music with amplification
 - 2. One day Wines and Malt liquor license

Mr. MacAskill recused himself.

Mr. Howell asked if anyone has information relative to his request. We seem to be receiving more one-day requests that boil down to entertainment and alcohol. His suspicion is that some of these are starting to be cottage industries and that they are hosting pop-up receptions in residential neighborhoods. Ms. Anderson responded that this application is for a little store on Cross Street and that it does not say what the event is.

Mr. Ballantine moved to approve the one day special permit requests for Reciprocity – 4 Cross Street – Event on September 5, 2022 – 4:00 p.m. to 8:00 p.m. outside- One day entertainment – Live/recorded music with amplification & One day Wines and Malt liquor license, 2nd by Mr. Howell and approved 3-0-0.

Mr. MacAskill returned.

D. Vote to approve a new 2022 Weekday and Sunday trampoline license – Chi Chi Jumps, LLC – 296 Route 28 – Weekdays and Sunday 9:00 a.m. to 9:00 p.m. –
Pending Building Department sign off

Mr. Ballantine moved to approve a new 2022 Weekday and Sunday trampoline license – Chi Chi Jumps, LLC – 296 Route 28 – Weekdays and Sunday 9:00 a.m. to 9:00 p.m. – Pending Building Department sign off, 2nd by Mr. Howell.

Mr. Howell asked who would be signing off as the Building Commissioner. Mr. Powers responded that Tom Wingard remains under contract as our interim Building Commissioner.

Mr. MacAskill feels that this request is straight forward, but we still need the Building Department sign off on the application.

Mr. Powers stated that the concern is that the Building Department may not be in the position to approve the application. There are questions regarding the type of use. The applicant indicates trampoline, but that there is a bungee jump device with a harness, which requires state approval.

Mr. Howell views the bungee aspect more of a safety device to the trampoline. He commented that there is not a spot for bungee on the application.

Ms. Anderson noted that this is not a new business, but asked if it is a new owner. Mr. MacAskill responded that this is a new device for the existing business.

Mr. Powers stated that staff through the Town Administrator has stated that there are concerns relative to the device and that they do not consider it to just be a trampoline.

Applicant Michael Doucette was present and stated that he has been part of the trampoline family for the last 20 years. The demographics have shifted and they are seeing more of the 3-5 year old children jumping on the regular trampolines. They are proposing to add a bungee device element to one trampoline. Mr. Doucette stated that they already have possession of this device and added that he isn't sure why the Building Department needs to sign off.

Mr. Ballantine moved to withdraw his motion, 2nd by Mr. Howell.

Mr. Powers stated that it is helpful for the town to hear Mr. Doucette refer to the device as a bungee trampoline. Any device that requires a bungee requires a state permit. Once the state permit is received, the Building Department would be able to do their evaluation of the application.

Mr. Howell asked how many trampolines would have this bungee device. Mr. Doucette responded that there are 12 trampolines and that the bungee trampoline would be separate. Mr. Howell again stated that the bungee actually enhances the safety of a smaller person. Mr. MacAskill stated that this is a state regulation, not local.

The consensus of the Board was that if Mr. Doucette is able to receive state approval, that they would be comfortable with the application. Mr. MacAskill stated that if Mr. Doucette is able to obtain state approval, he would ask the Board members to convene a special meeting held remotely to move forward.

Mr. Doucette noted that the Planning Board already approved this. Mr. Powers responded that once the state permit has been obtained, that Mr. Doucette could circle back to the Building Commissioner for further local review. Mr. MacAskill asked if there would be any way to have the Interim Building Commissioner weigh in now. Mr. Power responded that he would follow up with staff.

E. Vote to approve and sign the State Primary Election Warrants to be held September 6, 2022

Mr. Howell moved to approve and sign the State Primary Election Warrants to be held September 6, 2022, 2nd by Mr. Ballantine and approved 4-0-0.

F. Vote to delegate the authority to the Police Chief to designate a minimum number of police officers to polling locations and to assign police officers to work the polls

Town Clerk Emily Mitchell was present and stated that this is a state legislative change.

Mr. Howell moved to delegate the authority, in working with the Town Clerk, to the Police Chief to designate a minimum number of police officers to polling locations and to assign police officers to work the polls, 2nd by Mr. Ballantine and approved 4-0-0.

G. Vote to approve the Democratic and Republican Town Committee list of election workers

Mr. Howell moved to approve the Democratic and Republican Town Committee list of election workers, 2nd by Mr. Ballantine and approved 4-0-0.

H. Board Discussion – Changing Charter Chapter 4, clause 4-4-1 and 4-4-2 pertaining to Board of Selectmen affirming employee appointments

No discussion was had.

I. Discussion – Potential by-law pertaining to Solar Panels/Solar Tracker

Ms. Anderson opened the discussion. This was placed on the agenda after John and Maria Selby brought it to the Board's attention that a large ground mounted solar tracking array was being installed across the street from them. When the resident brought it to the Selectmen's attention, it was found that there is nothing in the town charter, bylaws, etc. to prevent a solar tracker. It is treated as any other structure and just had to meet the setback requirements. Ms. Anderson would like the town to look at some kind of limitation on where these solar trackers can go. In addition to being a large structure, it rotates and makes noise.

Mr. Powers stated that he relied on ecode 360 to search for information on solar trackers, and came up with nothing. He asked the Board to allow him to work with Town Counsel before moving forward.

Mr. Howell noted that we have gone through similar situations before with cell towers and wind turbines. It would seem like a good idea to him to investigate something might look like for the common good.

John and Maria Selby of 11 Ships Haven Road were present and commented that they are in favor of a potential bylaw change or addition, not just for themselves, but for the town as a whole. What surprised them was that not only does this property have a solar tracker, but they have 27 panels on the south side of the garage. Mr. Selby stated that this solar tracker is a huge visual impact to not only the street but the entire town. Ms. Anderson stated that she would report back to the Selby's as Mr. Powers provides her with additional information.

Jim Dente of 7 Ships Haven Road was present and commented that half of the day, you have to look at the backside of the solar tracker. He feels that it is ugly, unsightly and huge. Mr. Dente commented that he had contacted the owners of the property because an alarm was going off in their house, and then asked questions about the tracker. Mr. Dente feels that considering the taxes paid and real estate values, that there should be a benefit to the neighbors that are affected by this installation.

Mr. Howell commented that zoning does not pertain to who lives at the property, but to the property itself.

Mr. Ballantine moved to direct the Town Administrator to work with Town Counsel to draft a zoning bylaw regarding ground mounted solar tracking devices and refer it back to the Board of Selectmen for potential action, 2nd by Mr. Howell and approved 4-0-0.

J. Discussion - By-law prohibiting garbage cans on street no longer than 24 hours

Mr. MacAskill stated that this is on the agenda due to a resident request.

Lou Urbano of Riverside Drive was present. Over the last year or so, he has noticed an issue on Riverside Drive with garbage cans being left out at the street permanently. He commented that this is not just a Riverside Drive problem. Mr. Urbano feels that if there is an ordinance that says the garbage cans have to be put away in a certain amount of time, it would allow neighbors something to reference. He added that garbage cans also intent to impact those who live across the street and can attract animals.

Health Director Katie O'Neill provided a memo in the packet which references the existing state code.

Mr. Powers recommends that this be further reviewed by the Board of Health.

Mr. Ballantine recommended further review by the Board of Health and their present regulations (if any) on the matter of storing and placing and duration of outside residential garbage bins outside, 2nd by Mr. Howell and approved 4-0-0.

K. Discussion on next steps concerning traffic and safety issues in the Route 28 corridor of Harwich Port

Mr. Powers stated that this topic gets to an earlier discussion from other parties. Following a previous meeting, representatives from Police, Fire and DPW met to discuss the matter. It was

recommended that the town pursue these concerns through the proper channels and it is highly unlikely that we will have anything done for this summer. Mr. Powers recommended that the Board provide their specific suggestions so the town can reach out to our state legislative leaders to plan for the spring and summer of 2023.

Mr. Howell asked why we would want to wait on the Uber/Lyft area. There could be an Uber/Lyft lane in the schoolhouse parking lot. He asked to have this topic brought back at the August 22 meeting for greater discussion.

Chief Guillemette stated that the Police Department has had discussion on the Uber/Lyft problem in the Harwich Port area. Their thought is that if you have an area located in the schoolhouse parking lot, you have more people that will be crossing Route 28 at closing time. Chief Guillemette and his staff would be in support of a designated area if people would not have to cross Route 28. Mr. MacAskill agreed that this needs more planning and suggested having a conversation with the Pilgrim Congregational Church on Route 28 about possible use of their lot.

Ms. Williams said that she would be happy to talk to the property manager and report back to the Town Administrator.

The overall concept of Mr. Powers' memo is to engage in greater conversations after Labor Day. When we talk about a community meeting, it would be helpful to reach out to community representatives that we have heard from, stakeholders and stakeholders in Harwich Port so the Board can have a full court press to take to the Department of Transportation.

L. Board Discussion – Non-Resident Tax Payer Annual Meeting

For the past 2 years, the non-resident tax payer annual meeting was done by way of videos of the department heads and then the video was aired on the website. Mr. MacAskill asked if the Board would like to go back to an in person meeting or stay with the video.

Mr. Ballantine stated that he likes the video format because it allows people to watch at their leisure. He asked that the videos try and be publicized more. Mr. Howell agreed.

Ms. Anderson asked if we have received any feedback from the non-residents if they prefer one over the other. Mr. Powers responded that he is not aware of any one group that we could reach out to and ask but that the responses that he has heard regarding the videos have been positive.

The Board asked Mr. Powers to begin the process on department head videos.

OLD BUSINESS

A. Update on revised license renewal process for the 2023 annual renewal season

Mr. Powers briefly reviewed the memo provided and stated that this update is meant to be a streamlined simpler process for all involved.

Ms. Anderson feels that staff laid out the process nicely and that if the Police Chief didn't have any issues, then she doesn't.

Mr. Howell asked how inspection and compliance would be monitored. Ms. Anderson noted that the establishments are inspected regularly. Mr. Howell added that there has been an issue with building inspections, noting that they have not been routine.

Mr. Powers stated that if the process is adopted this month, it will be used for the December renewal process. He added that the memo and revised process has been reviewed by Town Counsel and that they stand by the work that staff has done.

Board of Selectmen

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Mr. Ballantine said that it is a win if we can reduce regulations while still protecting citizens and that he is in favor of the proposal. Ms. Anderson agreed.

Mr. Howell commented that he doesn't see how we can hold these applicants accountable unless the paperwork says that they have requested their inspections. Mr. MacAskill responded that if they have to get inspected anyway, the onus is on the owner. He added that he supports this revised process.

It was the consensus of the Board that they support the proposal but that they would like to see monitoring of the inspections.

B. Discussion - Allen Harbor Jetty Study

Harbormaster John Rendon was present. Mr. MacAskill stated that the memo in the packet speaks for itself and that approval is being sought so that Mr. Rendon can work on the funding sources. We know what the problem with the jetty is and if there is a failure of that jetty, it will impede people from coming in and out of that harbor.

Mr. Ballantine and Mr. Howell gave their support of the recommendation. Ms. Anderson also agreed and noted that she would hate to push it too far out because we don't know when the next storm is coming.

Mark Kelleher was present and stated that he agrees with Mr. Rendon's report. He did point out that 62% of the moorings and slips are for private entities and 70% of the boats in the area are for private docks. Mr. Kelleher that since a large expenditure of public money would be used for primarily private use, have there been any consideration given to starting discussions with the private entities to see if there is a cost sharing option, before a failure occurs.

Mr. Rendon compared Mr. Kelleher's question to when they did betterments for the dredging of the basin. That was a multi-year process and betterments were given to everyone who had a piece of the basin to help pay for the cost. He does recognize that 2.3 million dollars is a big number, but it is nothing in comparison to the cost of the dredge project. It would be challenging if we try to do betterments or a cost share for the jetty project. Mr. Rendon reviewed all of the fees that are paid by the boats and slips holders in the marina. Those funds are put into a separate receipts reserve fund.

The Board directed Mr. Rendon to proceed with the 2.3 million dollar option and begin work. Mr. Rendon stated that he would let the engineer know that we already have the funding to go through the final design and permitting. It will be approximately 9-10 months before we will have permits in hand and we will be looking at least a couple of years to do construction.

C. Review and possible approve draft articles for the September 27,2022 Special Town Meeting

1. Wastewater Easements

Mr. Powers noted that there are 2 elements in Article 1. The first is for the acquisition of property interests for the Route 28 Dry Sewer Project and the second is for Phase 3 of the Wastewater project. The costs relative to Phase 3 are estimated at \$70,000. The cost relative to the Route 28 dry sewer project is to be determined after discussion with the Board of Selectmen.

Mr. Howell stated that the town did vote to appropriate the funds for the design of the dry pipe. We are now looking to solidify where the pump station will be going. It will also determine which way the pipe pitches in the design.

2. Finance Article

- Monomoy Regional School District assessment funds
- Cape Tech Fiscal Year 2023 Quarter 1 excess and deficiency overage

Mr. Powers stated that this was the original article that was the need for Special Town Meeting. The Monomoy Regional School District agreement was amended and the town is looking at a cost savings of \$739,747. This figure will be confirmed by the district. In addition to that, we have been informed by the Cape Cod Tech School that Harwich and other member towns will be receiving a rebate in the amount of \$183,394. The total amount that the town will be looking to reallocate is \$932,141. At this time, we are not in a position to offer statements as to where we are with the funds available, due to still closing out FY22. Mr. Powers reviewed the funding of articles and noted that the purpose of this article is to repurpose the funds.

Ms. Anderson asked if there is a limitation on what we can do with the funds especially where we are looking at a large wastewater ticket and the need for housing. Mr. Powers responded that the Finance Director will tell the Board that there are some limitations.

Mr. MacAskill asked if the funds could be given back to the tax payers. Mr. Powers stated that it could not be done as a direct rebate. He added that given the size of the rebates, we would want to reallocate them before setting the tax rate.

Ms. Anderson asked if it would be appropriate for Mr. Powers and the Finance Director to provide the Board with recommendations on where the funds might be best placed. Mr. Powers referred to the Board on that decision and added that staff can provide a list of other accounts that could take these funds.

3. Cemetery Regulations

After conversations with the Cemetery Administrator, it was decided to recommend that article 7 be removed from the draft warrant.

Mr. MacAskill asked if we can urge the Cemetery Commission to have their public hearing sooner rather than later. Mr. Powers responded that they are thinking about having a special hearing in September and then have the article on the Annual Town Meeting warrant in the spring.

Mr. Howell wants to make sure that the public hearing is widely advertised.

Ms. Anderson asked that when this comes back, that the Board is provided with information on what the proposed changes are.

4. Appropriate funds for By-Law and/or Charter revisions

Mr. Powers reviewed the proposed article and stated that the anticipated cost is \$75,000.

Mr. Howell feels that it would be nice to have some comprehensive review on this.

Mr. Powers added that this has been before the Bylaw Charter Review Committee at their last 2 meetings and they have been receptive to the changes.

5. Appropriate funds for the Brooks Academy construction project for an Owner's Project Manager (OPM)

Mr. Powers stated that this article is to appropriate the funds to be used in securing an owners project manager as necessitated by the Commonwealth's procurement laws regarding construction projects

costing more than 1 million in total construction costs. The anticipated cost for this article is \$250,000.

6. Appropriate funds for Fiscal Year 2022 collective bargaining agreements

Mr. Powers reported that the purpose of this article is to appropriate funds for costs resulting from collective bargaining agreement negotiations. The cost anticipated for this article will be determined pending the outcome of negotiations.

7. Appropriate funds for Salary and Wages for the existing roll of town Surveyor

Mr. Powers stated that this position remains vacant. The cost anticipated for this article is being calculated. Mr. Powers did state that he has done some preliminary cost estimates and merely for the surveying line item for salaries and office expenses, the surveyor position is around \$60,000. That amount does not factor in other benefits. Mr. Powers was able to confirm with the HEA that they would like to see the position filled. This warrant article is a management request, not a union request. If he is to have any success in securing a town engineer, we should fund the companion surveyor position.

Mr. Howell moved to direct staff to finalize warrant articles for Special Town Meeting as discussed, 2nd by Ms. Anderson and approved 4-0-0.

CONTRACTS

- A. Vote to approve the Memorandum of Agreement between Barnstable County through Cape Cod Commission and Board of Selectmen on behalf of Town of Harwich for the taking of 5 owners unknown parcels of land in the amount of \$94,168.99

Mr. Howell moved to approve the Memorandum of Agreement between Barnstable County through Cape Cod Commission and Board of Selectmen on behalf of Town of Harwich for the taking of 5 owners' unknown parcels of land in the amount of \$94,168.99, 2nd by Ms. Anderson and approved 4-0-0.

Mr. Howell clarified that DRI stands for Development of Regional Compact.

- B. Vote to approve the contract with Larchelle Construction, Inc. for the replacement of the Brooks Free Library Roof in the amount of \$131,000

Mr. Howell moved to approve the contract with Larchelle Construction, Inc. for the replacement of the Brooks Free Library Roof in the amount of \$131,000, 2nd by Mr. Ballantine and approved 4-0-0.

TOWN ADMINISTRATOR'S REPORT

Mr. Powers shared with the Board an email that he received from Orleans Town Administrator John Kelly. The memo is regarding a fertilizer home rule petition that Orleans will be seeking at their Special Town Meeting. Nantucket also did a home rule petition. Mr. Powers was looking to make the Board aware to see if there is any general interest.

Mr. Powers wished Harwich Chamber of Commerce Executive Director Cyndi Williams a happy birthday and congratulated her on the Harwich magazine release.

Mr. Powers offered his congratulations to the Harwich Mariners who made it to the playoffs.

Mr. Powers announced that he attended the 2022 One Cape Summit and commented that it was a great event.

Mr. Powers thanked the negotiating teams for SEIU and IAMAW. He also thanked Assistant Town Administrator Meggan Eldredge and Labor Counsel for the work that they put in on these agreements.

SELECTMEN'S REPORT

No Selectmen's reports were give.

CORRESPONDENCE

No correspondence was discussed.

ADJOURNMENT

Mr. Howell moved to adjourn the meeting of the Board of Selectmen, 2nd by Mr. Ballantine and approved 4-0-0.

Respectfully submitted,
Jennifer Clarke
Recording Secretary

