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HARWICH, MA

2022 JUN -1 P 2:47

MINUTES
SELECTMEN'S MEETING
TOWN HALL
GRIFFIN ROOM
MONDAY, AUGUST 31, 2020
6:15 PM EXECUTIVE SESSION
6:30 PM REGULAR MEETING

APPROVED

RELEASED

SELECTMEN PARTICIPATING: Larry Ballantine, Stephen Ford, Michael MacAskill, Donald Howell and Edward McManus

ALSO PARTICIPATING: Interim Town Administrator Joseph F. Powers

CALL TO ORDER: Chairman Ballantine opened the Board of Selectmen's meeting for August 31, 2020 at 6:15 PM. Mr. MacAskill moved to enter into Executive Session, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

EXECUTIVE SESSION

- A. Pursuant to MGL C30A s21 (a) paragraph 2 to conduct strategy sessions for contract negotiations for nonunion personnel - Interim Town Administrator

Mr. Ballantine reopened the Board of Selectmen's meeting reporting that in Executive Session they reached a contract. He invited attendees to join him in the Pledge of Allegiance.

Mr. Ballantine stated that the contract with Interim Town Administrator Powers would begin September 1, 2020 and it was a 5:0 unanimous vote.

Interim Town Administrator Powers offered sincere thanks to the Board and to the community.

Mr. Howell moved to affirm the contract for Interim Town Administrator effective September 1st, running for one year under such term as have been negotiated, 2nd by Mr. McManus. Vote 5:0 in favor by roll call. Motion carried unanimously.

WEEKLY BRIEFING

- A. COVID-19 Updates

Meggan Eldredge Health Director updates with statistics on active and confirmed cases. Testing was done for staff at Monomoy District School. Mr. Eldredge encouraged people to get their flu shot this year. There are new travel orders in place.

Mr. Ballantine commented on an email he had received from someone who had been accosted for not wearing a mask while in their vehicle. He asked residents to please stay calm. That sort of thing cannot be tolerated.

August 31, 2020

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

Cindy Williams Executive Director of the Chamber of Commerce reported that this past weekend was tax free weekend. The hotels and inns are seeing great fall bookings.

PUBLIC COMMENTS/ANNOUNCEMENTS

Mr. Ford mentioned personal and critical comments made in the newspaper from some individuals relative to the management of the golf course. There is misinformation relative to that. He feels there is a terrific management team at the golf course.

Mr. Ballantine commented that this is in the Golf Committee's hands.

Mr. McManus reminded everyone that tomorrow is Election Day.

PUBLIC HEARINGS/PRESENTATIONS

A. Discussion and possible vote to state the Board of Selectmen's intention to consider a reduction of the quorum for the Annual Town Meeting as authorized by Chapter 92 of the Acts of 2020, Section 7

B. Discussion and possible vote pursuant to Chapter 92 of the Acts of 2020, Section 7 to reduce the quorum for the Annual Town Meeting to be held on September 26, 202, to not less than 10% of the quorum requirement of 150 under Section 271-2 of the Town Code or 15 registered voters.

Mr. Ford moved to open a public hearing for discussion and possible vote to state the Board of Selectmen's intention to consider a reduction of the quorum for the Annual Town Meeting as authorized by Chapter 92 of the Acts of 2020, Section 7, 2nd by Mr. MacAskill. Vote 5:00 in favor by roll call. Motion carried unanimously.

Interim Town Administrator Powers explained the presentations and noted that the packet includes Moderator Ford's opinion. The reduction cannot take place unless the Moderator and the Board agree.

Mr. Ballantine asked, if they do reduce the number, if there an escape clause that would allow them to stop the meeting and reassemble at another time.

Interim Town Administrator Powers replied that if the quorum is established at 50 and 50 are at the event, quorum would have been met.

Mr. Howell noted that the quorum would start the meeting but at any point, someone could ask for a pole of people present which would determine if they have to suspend the meeting. He also noted that there is no cap to the number of people who can attend.

Mr. MacAskill moved to close the public hearing and return to Board discussion. 2nd by Mr. McManus. Vote 5:0 in favor by roll call. Motion carried unanimously.

Mr. Ford supports reducing the quorum and suggests they debate the number

Mr. McManus stated that the law requires a 2 part vote, the first is to pass a motion for their intention and reduce the quorum and he so moved, 2nd by Mr. Howell

Mr. MacAskill commented that there are some important decisions to be made and he's not sure if even 150 is enough to make the decisions. He will not support a quorum reduction.

Mr. Howell agrees with Mr. MacAskill and would not go below 100. He is expecting a robust turn out.

Vote 4:1 by roll call. Motion carried.

Mr. McManus moved that for the purposes of the Annual Town Meeting to be held o September 26, 2020 that the quorum number be reduced from 150 to 100, 2nd by Mr Howell.

Vote 4:1 by roll call. Motion carried.

NON-RESIDENT TAXPAYERS VIDEO

1. Water Department - Dan Pelletier
2. Engineering Department - Griffin Ryder
3. Department of Public Works - Lincoln Hooper
4. Golf Department - Roman Greer

CONSENT AGENDA

- A. Vote to affirm the appointment of Kevin DuPont to the Board of Health for a full term expiring in 2023 (revised on 08/28/2020 at 3:30 PM)

Mr. MacAskill moved to approve the Consent Agenda as presented, 2nd by Mr. Howell.

Mr. Howell requested that Ms. Eldredge asked the Association of Health Board's legal counsel if the Board can put on a nonvoting member. If this is contrary to the Charter, there is another person who would be an excellent candidate.

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

NEW BUSINESS

- A. Vote to approve the Garden Club of Harwich to hang a Certified National Wildlife Federation Community Banner at various locations

Mr. McManus explained what the Garden Club has accomplished and why they would like to hang the signs and suggested a few places. He moved to approve the request as presented, 2nd by Mr. MacAskill. Vote 5:0 in favor by roll call. Motion carried unanimously.

Mr. McManus thanked the members of the Club for all their hard work.

Mr. Howell suggested some permanent signage saying that they have achieved that recognition.

OLD BUSINESS

- A. Discussion and possible vote on specific topics related to 2020 Annual Town Meeting including:
 - a. Appropriations for Stabilization Fund
 - b. Capital Outlay Plan

Interim Town Administrator Powers commented that those 2 items are referenced in the Warrant.

- B. Discussion and possible vote on the remaining Articles for the 2020 Annual Town Meeting Warrant;

- 1. Article #4 Use of the Stabilization Fund

Interim Town Administrator Powers noted that the Finance Committee voted to approve this with a 5:0 vote. The dollar amount is now \$574,171 which is also reflected in the Operating Budget under article #5. The use of this Fund is allowed under the Special Acts that were created. The Board needs to make a recommendation tonight.

Mr. Howell note that there is over 4 million dollars in that Fund. Prior to the pandemic there were shortfalls. There is more of a shortfall now and this is what the Fund was designed for.

Mr. Ballantine commented that if anything changes, they don't have to spend that amount.

Mr. MacAskill is in favor of this as an estimate but there is well more that can be done to reduce numbers.

Mr. MacAskill moved to accept, adopt and include in the Warrant Use of the Stabilization Fund with an estimated cost of \$574,171, 2nd by Mr. Howell.

Mr. Ford commented on an email from Mr. Gunderson where he commented on a number of different Articles and suggested changes on the wording.

Mr. Howell commented on not being able to answer questions at Town Meeting last year and he feels Mr. Gunderson makes some good points. He asked that they work with the Interim Town Administrator to address the concerns prior to Town Meeting.

Dana DeCosta Chairman Finance Committee requested that Mr. Gunderson's email be forwarded to him so that he may be of some help.

August 31, 2020

Mr. Ballantine commented that as a Board, working with the Interim Town Administrator, he suggested they each take a Warrant Article and be set to clarify it if need be. They should be as prepared as possible and ready to answer questions at Town Meeting.

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

2. Article #5 Town Operating Budget.

Interim Town Administrator Powers noted the change adding the \$574,171 from the Stabilization Fund. He reviewed the Article and all the dollar amounts. The Finance Committee agrees with the Budget amounts.

Mr. MacAskill moved to accept, adopt and include in the Warrant Town Operating Budget in the amount of \$39,140, 073, 2nd by Mr. Ford.

Mr. DeCosta would like for the 2 Boards to work together to make some changes or make reductions. This is a lower budget than last year.

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

Mr. McManus asked, given the action on the last 2, if they could be referred to legal counsel to ask what the passage requirement will be at Town meeting. There is conflict between the Special Acts and the Town Charter.

Interim Town Administrator Powers replied that council has reviewed the Articles and the plan with Article #4 was to leverage that as the two-thirds majority vote as required by use of Stabilization. He will have to confirm with counsel.

3. Article #6 Monomoy Regional

Interim Town Administrator Powers has no additional information.

Mr. Ballantine questioned the numbers as transportation and enrollment are different from previous years.

Mr. DeCosta noted that the Finance Committee held this for those reasons and they have several questions for them. We do to have the Free Cash to cover this if we proceed.

Mr. MacAskill commented that if they vote this Article they would have to change the last 2. He recommends that they reject the Budget and send it back as a rejected budget and they go to Town Meeting with a rejected budget. They have asked how much money they have in excess and deficiency and how much are they going to use. We will use all our Free Cash and more if the Board votes this.

Mr. Ford is concerned about going to Town Meeting with a rejected budget, it does not send a good message.

Interim Town Administrator Powers asked that the Board take the affirmative action to place the Article in the Warrant. The Board could put in the warrant that they do not support this Article as of this printing.

Mr. Ford asked if the school Committee has the ability to address the concerns that have been expressed by this committee at this Board numerous times without an answer, between now and Town Meeting.

Mr. Howell commented that the action they should take is to include an Article but not support the amount that's in that Article pending their reconsideration of their position.

Mr. MacAskill moved to include Article #6 in the Warrant but not include the Board's positive recommendation, 2nd by Mr. Howell.

Mr. MacAskill commented that it would be a shame to go to Town Meeting with a rejected budget but there have been promises of savings that never materialized and many questions left unanswered.

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

4. Article #9 Wastewater/ Sewer Department Budget

Mr. MacAskill moved to accept, adopt and include in the warrant the Wastewater/Sewer Department Budget with an estimated cost of \$272,932, 2nd by Mr. Howell.

Mr. MacAskill commented that this number could possibly be reduced as the Town is not operating at 100%.

Mr. McManus asked what this budget will pay for in the next year.

Interim Town Administrator Powers replied that its most salaries and expenses related to transition to the Wastewater System. This is a reduced budget from what they had previously.

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

5. Article #10 Adopt the Capital Plan

Interim Town Administrator Powers referred to the Article, what the Plan is based on and he reviewed the numbers.

Mr. MacAskill moved to accept, adopt and include in the Warrant the Capital Plan as presented, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

6. Article #22 Zoning Bylaw Amendment - Multi-Family

Interim Town Administrator Powers updated that the Finance Committee has not made a recommendation on this article as there will be a Public Hearing in September.

Mr. Howell commented that rather than going through 40B, this allows for a special permit hearing at the Planning Board, it provides safeguards, it will allow multi-family housing.

Mr. Howell moved to include Article #22 in the Warrant pending a recommendation subsequent to the public hearing, 2nd by Mr. MacAskill.

Mr. McManus had questions regarding minimal residential net floor area in different districts. He will write something that the Board can send for answers.

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

7. Article #24 Zoning Bylaw Amendment - Essential Services

Interim Town Administrator Powers updated that the Finance Committee recommended adopting this Article. The planning Board voted unanimously to approve this Article.

Mr. MacAskill moved to accept, adopt and include in the Warrant Zoning Bylaw Amendment - Essential Services, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

8. Article #25 (New) Wetlands Protection Bylaw Conservation Committee Article

Interim Town Administrator Powers noted that the Director is present. This Article has been added and aims to update portions of the Wetlands Protection Bylaw.

Amy Usowski Conservation Agent explained changes to the Bylaw, the goal is to protect smaller wetlands.

Mr. MacAskill asked the importance of having this on the Warrant at this Town Meeting. He sees this as controversial which is something they are trying to avoid.

Ms. Usowski replied that it's hard to tell if the 9 months to next Town Meeting would make a difference and she's hoping it wouldn't be too controversial. She offered to speak to it at Town Meeting.

Mr. Ballantine noted that in the past, to change a Bylaw there has been a specific public meeting and asked if that has happened on these items.

Ms. Usowski replied that yes, there was a meeting and it was advertised.

Mr. MacAskill asked Mr. DeCosta what further information the Finance Committee is waiting for to make a recommendation to Town Meeting

Mr. DeCosta replied that they got this and handed it out the same night that they had their final votes for the Warrant so they didn't have time to read it and understand it. He asked Ms. Usowski to supply the original so the Committee could see the specific amendments.

Mr. McManus commented that his concern is that damage could be done to the wetlands if this isn't passed.

Mr. Howell commented that they shouldn't put something to just a few weeks before Town Meeting, the public needs to be fully informed about what the amendment does. He suggested leaving it out and having it at Town meeting in 9 months.

Mr. McManus moved to place this in the Warrant. No 2nd

Mr. Usowski noted that this was fully vetted prior to COVID.

Mr. Ballantine noted that there is no 2nd and they will bring this back.

9. Article #39 Amend General Bylaws Chapter 8 Departmental Revolving Fund

Interim Town Administrator Powers noted that this was voted by the Finance Committee 8:0 and is now presented to the Board for determination.

Mr. Howell commented that if this is a good idea, it can wait until next Town Meeting in May next year, He anticipates getting bogged down in an argument as to why this is being added now.

Mr. Ballantine commented that more staff is needed to allow for time off etc.

Mr. MacAskill commented that if the Cemetery Commission needs more staffing, that's a discussion the Board should have instead of putting it into a Revolving Fund. They should be looking at the Revolving Fund to see what is being spent and where.

Mr. Howell moved to accept, adopt and include in the Warrant Amend General Bylaws Chapter 8 Departmental Revolving Fund (eliminating the one regarding part time staff)

Mr. McManus commented that as he read it, they would only be doing it for the cemetery and leave the other language in place. He noted that if they strip the wording for using the Revolving Fund for staff they would have to do it for all.

Mr. Howell noted that those numbers can fluctuate but staff salaries do not.

Mr. MacAskill noted the disagreements and asked the effect of leaving it all as is for the next 9 months so they can really go through it. There had previously been a brief discussion on Robin Kelley needing help and they had decided that there was a help and a support staff.

This is a longer conversation than they should have on Town Meeting floor.

Interim Town Administrator Powers replied that if they do not adopt or accept this Article, the present Bylaw would stand.

The Board decided to set this Article aside for further discussion.

10. Article #40 Revolving Fund Authorization

Interim Town Administrator Powers explained that the wording for Article #40 includes the spending limits and disposition which are identical to the past year with exception of the Middle School Cultural Center.

Mr. MacAskill moved to accept and adopt the Revolving Fund Authorization, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

Interim Town Administrator Powers notes that the next three are Petitioned Articles.

11. Article #44 Proposed Bylaw Amendment - Plastic Water Bottle Ban (Revised by adding on 0-8/28/2020 at 3:30PM)

Patrick Otton asked if there are questions about the Petition.

Mr. Ballantine asked why regulation is a better approach than education.

Sean Walsh replied and explained the negative effects of plastic on the environment.

Bonnie *(No last name given) also spoke regarding the negative effects of plastic.

Mr. MacAskill asked Mr. Otton if he has reached out to the business community to see what economic impacts this would have on their businesses and if he has any sense of what it would cost the Town of Harwich to police this.

Mr. Otton replied that cost to enforce would be the same as the plastic bag ban. He has not reached out to businesses and offered that they have options to plastic water bottles.

Mr. MacAskill questioned what would be next. Also commented that he participates in clean ups and spends time on the beach and doesn't see a lot of plastic water bottles. He asked if it stops here or goes to fishing line, scratch tickets etc.

Mr. Otton replied that he can't predict the future but this is to raise awareness and is a message to the economic society that we care about our health and environment. He notes the he does find plastic on the beach.

Mr. Ballantine asked what time frame, if this is passed, businesses have to make changes.

August 31, 2020

Mr. Otton replied that if this is accepted it won't be in place until next year.

Mr. Howell noted that they are mandated to recycle the plastic to the extent they receive it, there is no market for it.

Mr. MacAskill commented that the businesses have been kicked enough and in the middle of a pandemic, the Municipal Bottle Ban is not being enforced. The school kids are given plastic water bottles every day when they pick up their lunches. To have this debate in the middle of a pandemic without reaching out to businesses on what it's going to cost them and kick them again is very short sighted.

Mr. Howell moved to support the Article, 2nd by Mr. Ford.

Vote: 3:2 by roll call. Motion carried.

12. Article #45 Rescission of 2019 Article #50 - Bylaw bans plastic containers (Revised by adding on 08/28/2020 at 3:30PM)

Mr. Howell moved to accept, adopt and included on the Warrant Article #45 with the recommendation that it is contingent on the passing of Article #44, 2nd by Mr. Ford

After discussion, Mr. Howell withdrew his motion and Mr. Ford withdrew his 2nd. No action was taken.

13. Article #46 Proposed Bylaw Amendment - Climate Policy (Revised by adding on 08/28/2020 at 3:30PM)

Mickey Kerns introduced Robin Lord to speak for Article #45

Robin Lord of the Climate Action Network asked the Board to support Article #46 which they intend to amend to say Climate Policy Resolution. She explained the difference and why they are in favor of this resolution. She has reached out to Michael Ford to ask the best way to amend this Article to a Resolution.

Interim Town Administrator Powers stated that the appropriate venue is the Moderator. It cannot be changed by the Petitioner or the Board here tonight,

Mr. Ballantine views this as more of a political statement than a Town Bylaw or Resolution and he will not support it.

Mr. Ford and Mr. McManus would support it as a Resolution.

The Board took no action.

August 31, 2020

Mr. Howell moved to close the Warrant as voted, 2nd by Mr. McManus. Vote 5:0 in favor by roll call. Motion carried unanimously.

CONTRACTS

A. Discussion and possible vote - IT Support Service Contract Agreement between the Town of Harwich and Hub Technical Services, LLC - \$46,956.00

Mr. MacAskill moved to approve the Contract as presented, 2nd by Mr. Howell. Vote 5:0 in favor by roll call.

TOWN ADMINISTRATOR'S REPORT

A. Golf Now Contract

Interim Town Administrator Powers explained the contract and that Golf Now is an app. Carolyn Carey is asking for direction on reopening the fitness room and requesting a monthly membership instead of an annual membership.

Mr. MacAskill stated, that requires a Public Hearing because it is a fee change.

SELECTMEN'S REPORT

Mr. Howell asked if using reverse 911 would be a possibility to inform residents of the Town Meeting date and time because of the unusual circumstances.

Interim Town Administrator Powers noted that once the Warrant is printed they will be communicating the expectations of the voters that day as well as what they can expect when they arrive.

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

Respectfully submitted,

Judith R. Moldstad
Recording Secretary

August 31, 2020

