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**MINUTES  
SELECTMEN'S MEETING  
TOWN HALL  
TUESDAY, SEPTEMBER 6, 2022  
5:15 P.M. - EXECUTIVE SESSION  
6:00 P.M. - REGULAR MEETING  
REMOTE PARTICIPATION OPTIONAL**

APPROVED

**SELECTMEN PARTICIPATING:** Michael MacAskill, Larry Ballantine, Julie Kavanagh, Mary Anderson and Donald Howell

**ALSO PARTICIPATING:** Town Administrator Joseph Powers

**Mr. Howell moved that the Board go into Executive Session to discuss items as listed below and that the Chair declared that an open meeting may have a detrimental effect on the negotiating position of the Town, 2<sup>nd</sup> by Ms. Kavanagh. The vote was 4-0-0 with Mr. MacAskill, Mr. Ballantine, Ms. Kavanagh and Mr. Howell all voting aye by roll call.**

**EXECUTIVE SESSION**

- A. Pursuant to M.G.L., c. 30A section 21 (a) paragraph 2 to conduct strategy sessions in preparation for negotiations with all nonunion personnel, personnel by-law employees and contract negotiations for nonunion personnel – Water/Wastewater Superintendent, Chief of Police and Fire Chief
- B. Pursuant to MGL c. 30A, §21(a)(6) to consider the purchase, exchange, lease or value of real property if the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the Town.
- C. Pursuant to G.L. c.30A, §21(a)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the Town and the chair so declares: 38 Ocean Avenue.

**CALL TO ORDER**

Mr. MacAskill announced that for the first time, the video recording of this meeting will include closed captioning.

Mr. MacAskill reported that there are no announcements to be made from Executive Session.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

- A. Route 28 Harwich Port Community Forum led by the Town Administrator – October 25<sup>th</sup> 6:00 p.m. at Cultural Center, 204 Sisson Road

Mr. Powers announced that he will be leading a Route 28 Harwich Port Community Forum on October 25, 2022 at 6:00 p.m. at the Cultural Center located at 204 Sisson Road.

On Saturday, September 10, 2022 at 10:00 a.m., there will be a ribbon cutting for the Harwich Community Playground. This project was funded in large part by the citizens of Harwich through the Community Preservation Act as well as by the families and communities of Harwich Elementary School and the PTO.



There will be a memorial service to recognize the events of September 11. The service will be held at 175 Sisson Road on September 11, 2022 at 11:00 a.m. The community is welcome to attend.

There will be a flu and COVID-19 booster clinic for Harwich residents on October 4, 2022 and October 11, 2022 from 1:00 p.m. – 3:00 p.m. The clinic is being held at the Harwich Community Center as a drive through.

Kathy White from West Harwich was present to comment on her concerns about the proposed plans for addressing erosion at Wixon Landing. Her first concern is regarding the esthetic appeal, following by the parking issues. The Wixon Dock has very little, if any, parking as well as a lack of parking regulations. Wixon Dock is a special place and she would like to see regulations similar to Round Cove as far as parking is concerned. Her other concern is the lack of access to the waterways. The proposed rip-rap wall will not allow people to enter and exit the water safely. Ms. White feels that there should be alternative choices to address the erosion issues and other concerns. She asked that this be placed on a future agenda for discussion, prior to any plans being approved.

Howard Curtin from Harbor Way was present and echoed Ms. White's comments. He feels that softening the proposed rip-rap barrier will prevent children from getting hurt as well. Mr. Curtin also commented that parking control is essential.

Harwich Chamber of Commerce Executive Director Cyndi Williams was present and invited everyone to attend a ribbon cutting this Thursday. The ribbon cutting will be at TLC Private Home Care Services on Harwich Road from 2:00-5:00 p.m. Following the September 11 service, the Hometown Parade will take place, starting at 11:30 a.m. The parade will start on Freeman Street and move up to the High School. Information regarding the route can be found on the Chamber of Commerce's website.

Patrick Otton was present with general inquiries as to the town's efforts on reducing water pollution. He asked what the total cost and timeline for the sewer project will be when all is said and done. Mr. MacAskill asked Mr. Otton to put his questions into an email and send them to him. Mr. Otton went on to say that a couple of the sources of groundwater pollution are wastewater from sewage followed by fertilizers. He feels that the cost of reducing fertilizer contamination is zero. Mr. Otton stated that Orleans is leading the cause in reducing fertilizer and he is requesting that Harwich pursue this zero cost effort.

## **ANNUAL COMMITTEE PRESENTATIONS**

### **A. Board of Health**

Chair Sharon Pflieger was present. The Board's annual report was provided in the packet. Ms. Pflieger stated that a lot of the Board's time was spent on COVID. The Board continues to monitor Monkey Pox to see if anything needs to be done. At upcoming meetings, the Board will be discussing revising the bedroom definition as well as revisions to the Town of Harwich Animal Regulations and Tobacco Regulations. The Board reorganized at their last meeting, minutes are up to date and all members have been sworn in and their ethics training is current. Ms. Pflieger did comment that the Board charge does need to be updated because there really isn't much there. They would also like to increase the Board by adding at least one alternate member.

In terms of adding an alternate member, Mr. Ballantine asked if that would be within the Town's power or state requirements. Ms. Pflieger responded that she would look into that. Mr. Howell added that last time he looked, there is a restriction because it is governed by Massachusetts General Law, not our charter.

Mr. Howell asked in what ways the Board wants to see their role expanded. Ms. Pflieger responded that the Board is looking to have their roles clarified, not expanded. Ms. Pflieger read the current charge of the Board of Health, noting that there is nothing in there that says what the Board should be looking at. Mr. Howell responded that any changes would have to go to the Bylaw Charter Review Committee. Mr. MacAskill asked Ms. Pflieger to look into this further and come back to the Selectmen after meeting with the Board of Health.

Ms. Kavanagh thanked the Board of Health for all of the hard work that has been done.

#### B. Waterways Committee

Chair Dan Hall was present. The committee's annual report was provided in the packet. The committee enjoys working with John Rendon and the Harbor Department. They work hard to listen to everyone and make educational decisions, adding that it is nice to see people from the community sit in on the meetings. The committee hopes to have another alternate member sworn in as well.

Ms. Kavanagh commented that the harbor continues to thrive and that the committee puts in a lot of effort.

Ms. Anderson feels that the harbor is such an asset to the town and that the committee and Harbor Departments do a fantastic job.

#### C. Real Estate and Open Space

Chair Elaine Shovlin was present. The committee's annual report was provided in the packet. Ms. Shovlin stated that the committee works hard and they have great satisfaction in seeing the Spruce Woods project come to fruition. Ms. Shovlin thanked the Board and other committees for working with them, especially with the owners unknown and tax lien list.

Ms. Anderson & Ms. Kavanagh thanked the committee for the spreadsheet of properties that was provided.

Mr. Howell and Mr. Ballantine stated that they respect the work that the committee does.

Mr. MacAskill noted that he is happy to see movement forward.

#### D. Board of Water/Wastewater Commissioners

Vice Chair Allin Thompson Jr. was present. The commissioner's annual report was provided in the packet. Mr. Thompson read the report and talked about the commissioner's accomplishments/projects, water restrictions and the public water system award.

Mr. Howell stated that often when we have discussions about build outs on Cape Cod and what we can and cannot sustain, they don't include this commission and that is an issue with him. Right now, we are with a lack of rainfall and replenishment and Mr. Howell feels that there has to be a finite limit as to what we can and cannot do. He has an overall concern we need to look at the sustainability of anything we do moving forward. Without water, there isn't anything else.

Ms. Anderson applauded the commission on taking the difficult stand on the water restrictions.

Ms. Kavanagh noted that Mr. Thompson is an asset to the town as well as the commission. Water is our biggest asset and should be our top priority. She agrees that there are many who are not abiding by the irrigation restriction and asked how we can go about empowering the commission



to enforce the restriction. She understands that people have wells for irrigation, but those wells are drawing from the same source. Although they are not metered, they should be included in some shape or form. We receive awards on our water system and we should make sure that the awards continue. Ms. Kavanagh asked how long it will take to repair well 7 and deal with the issues at well 4. Water/Wastewater Superintendent Dan Pelletier was present and stated that well 4 should be completed by October/November. Well 7, barring any supply chain issues should be fixed before spring. With respect to the restrictions, it was been quite a learning experience. The department is now rolling out with fines as described in the town's bylaw. Mr. Pelletier has reached out to the Bylaw Charter Review Committee about how to make amendments to include wells. He added that it looks like the bylaw route will be the way to make something happen with fertilizer.

Patrick Otton was present and stated that he now has 4 winter covers for the water bottle refill stations.

#### E. Agriculture Commission

No one from the commission was present. A brief annual report was provided in the packet.

#### F. Conservation Commission

Chair Ernie Crabtree was present. The commission's annual report was provided in the packet. Mr. Crabtree reported that the commission is seeing more complexity in some of the issues that they are finding. They hope to bring the amended wetland bylaw changes back to Town Meeting this year. Mr. Crabtree called out Conservation Administrator Amy Usowski and Assistant Conservation Administration Melyssa Millett for being instrumental in helping to project the conservation lands. The commission has a lot of topics that they are looking to address including water quality issues in freshwater ponds, fertilizer usage, the release of a RFP for a study of impacts on water dependent structures, how to better manage our town open space lands and the use of the town owned property at 374 Main Street. He reported that 69% of fertilizer usage on the Cape is used on residential lots.

Mr. Howell stated that he has talked with Mr. Crabtree regarding fertilizer. Mr. Howell feels it would be helpful to have votes from the Board of Health and Conservation Commission so the Board has information behind possible movement forward. Mr. MacAskill agreed.

Ms. Anderson is glad to see that the commission is going to come back with the bylaw revisions. Ms. Kavanagh agreed and also asked about the consultant piece of the revision. Mr. Crabtree responded that Conservation staff has great contacts.

Mr. MacAskill asked if there have been public hearings regarding the bylaw revisions. Mr. Crabtree responded that they have not gotten to that point yet, but they intend to have public hearings as the process moves forward.

### CONSENT AGENDA

A. Vote to approve the following Board of Selectmen Meeting Minutes:

1. July 11, 2022
2. July 25, 2022
3. August 8, 2022

B. Vote to accept a gift for the Community Center from Ora Gaylord Roth Trust in the amount of \$13,060

C. Vote to accept the resignation of Robert Bosworth from the Capital Outlay Committee

**Mr. Howell moved to approve the consent agenda as listed, 2<sup>nd</sup> by Ms. Kavanagh and approved 5-0-0.**

### **NEW BUSINESS**

A. Vote to affirm the appointment of John Mee as Building Commissioner

Mr. Powers presented the name of John (Jack) Mee as Building Commissioner. Mr. Powers is confident that Mr. Mee will make an immediate, positive impact in his role and will be an integral part of the team moving forward. He asked that the Board affirm this appointment. Mr. Mee will begin in early October.

**Mr. Ballantine moved to affirm the appointment of John Mee as Building Commissioner, 2<sup>nd</sup> by Ms. Anderson and approved 5-0-0.**

B. Update from Selectmen Howell and the Town Administrator on Harwich Affordable Housing Trust and announcement of joint meeting on September 19, 2022

Mr. Howell deferred to Mr. Powers to begin the discussion. Mr. Powers stated that he cannot be in person at the meeting on the 19<sup>th</sup> but would make every effort to be there remotely. Mr. MacAskill asked what other date Mr. Powers might be available to be present at the meeting. Mr. Powers responded September 26<sup>th</sup> but that there may be an attendance issue for some members. Mr. MacAskill stated that he would put this on for the first meeting in October.

Mr. Howell stated that the trust has moved to twice monthly meetings to try and catch up on where they want to be. They have awarded the contract to JM Goldsen so they can start to pick up where the work was left off. He is not sure if the contract has been signed yet. The joint meeting is supposed to be to gather public input that was derailed due to COVID-19.

Other than gathering public input, Ms. Kavanagh asked where we are in terms of a timeline of when we might actually have a viable project. Mr. Howell responded that they have been diligently discussing the Marceline property. They have had vague discussions and plans on what they would generally like to see on the property with a possibility of habitat owned housing along with rental housing. Plans are also contingent upon finalizing the imminent domain taking that segregates the property. Without knowing what the overall look of the project is, this is all fairly premature.

Mr. Powers reminded the Board that he will be hosting a community forum on Harwich Port and traffic and safety. The trust has been discussing next steps for properties on Pleasant Lake Avenue as well as many other things. The joint meeting is to really re-engage the public on the affordable housing discussion as well as to find out what housing means to them.

C. Vote to approve a Special Permit Application for the National Multiple Sclerosis Society's Challenge Walk held September 9-11, 2022

**Mr. Howell moved to approve a Special Permit Application for the National Multiple Sclerosis Society's Challenge Walk held September 9-11, 2022, 2<sup>nd</sup> by Ms. Anderson and approved 5-0-0.**

D. Vote to approve the Committee Appointments recommended by the Interview Committee:



1. Linda Cebula – Bylaw Charter Review Committee – Full member – Term to expire June 30, 2023
2. Richard Shevory – Waterways Committee – Alternate member – Term to expire June 30, 2024
3. Kelly Barber – Community Preservation Committee – Board of Selectmen appointment – Term to expire June 30, 2025
4. Mary Moody – Treasure Chest Committee – Full member – Term to expire June 30, 2025

**Mr. Howell moved to approve the committee appointments as recommended by the Interview Committee as listed above, 2<sup>nd</sup> by Mr. Ballantine and approved 5-0-0.**

E. Vote to appoint the following committee members from alternate member to full member:

1. Rebecca Craig – Youth Services Committee – Term to expire June 30, 2023

**Mr. Howell moved to approve the appointment of Rebecca Craig from alternate member to full member on the Youth Services Committee with a term to expire on June 30, 2023, 2<sup>nd</sup> by Mr. Ballantine and approved 5-0-0.**

#### **OLD BUSINESS**

A. Vote to hold 2022 Special Town Meeting on October 18, 2022 at 6:00 p.m. at Community Center

**Mr. Ballantine moved to hold a Special Town Meeting on October 18, 2022 to begin no earlier than 6:00 p.m., at the Community Center, 2<sup>nd</sup> by Ms. Anderson and approved 5-0-0.**

B. Review and approve draft articles and funding sources for the 2022 Special Town Meeting:

1. Acquisition of Property Interests and Appropriation of funds for Route 28 Dry Sewer Project and Phase 3 Wastewater Project

Mr. Powers reported that there have been minor changes and one addition to what we have been made aware of at the previous meetings. Mr. Powers reviewed the proposed article, noting that 62 Route 28 has been added to be contemplated. At this point, there is a placeholder amount of \$70,000. This article is meant to capture any of the parcels listed in the article, with the exception of 52 or 62 Route 28, which require separate evaluation.

Ms. Kavanagh asked if a map of the parcels should be included. Mr. Powers responded that a map would be added and would be handled administratively.

Mr. Powers stated that at present we are contemplating the funding source to be retained earnings within the Water/Wastewater department.

**Mr. Howell moved that the Board of Selectmen place article 1 on the Special Town Meeting warrant and that the article language be accepted and adopted, 2<sup>nd</sup> by Ms. Anderson and approved 5-0-0.**

2. Acquire parcel of land located at 62 Route 28

Mr. Powers pointed out that this article separates the 62 Route 28 article from article 1. The anticipated funding source will be retained earnings. 62 Route 28 is also known as the Baptist Church in West Harwich. Staff is working with Town Counsel on the possible municipal uses for the property. The only thing that remains to be seen is the assumption of an estimated cost.

**Mr. Howell moved that the Board of Selectmen place article 2 on the Special Town Meeting warrant, 2<sup>nd</sup> by Ms. Anderson and approved 5-0-0.**

3. By-Law and/or Charter Review Resource Funding

Mr. Powers reviewed proposed article 3 and stated that they anticipate using free cash as the funding source. Staff will be working on the details with the finance officials and Town Counsel. The estimated cost is \$75,000.

**Mr. Howell moved that the Board of Selectmen place article 3 on the Special Town Meeting Warrant and that the article language be accepted and adopted, 2<sup>nd</sup> by Mr. Ballantine and approved 5-0-0.**

4. Fund the Town's Owner's Project Manager (OPM) related to ongoing renovation work at Brook's Academy Museum

Mr. Powers reviewed proposed article 4 and stated that they anticipate using free cash as the funding source.

**Mr. Howell moved that the Board of Selectmen place article 4 on the Special Town Meeting Warrant and that the article language be accepted and adopted, 2<sup>nd</sup> by Ms. Anderson and approved 5-0-0.**

5. Fund Negotiated Collective Bargaining Agreements

Mr. Powers noted that this is specific to the SEUI contract. Counsel has said that this should be funded out of the operating budget. Mr. Powers will be asking Counsel to validate the funding source before moving forward.

**Mr. Howell moved that the Board of Selectmen place article 5 on the Special Town Meeting Warrant and that the article language be accepted and adopted, 2<sup>nd</sup> by Ms. Kavanagh and approved 5-0-0.**

6. Fund the existing Position of Surveyor

Mr. Powers reviewed proposed article 6 and noted that the cost of the position, without the benefits package is around \$65,000.

**Mr. Howell moved that the Board of Selectmen place article 6 on the Special Town Meeting Warrant and that the article language be accepted and adopted, 2<sup>nd</sup> by Ms. Anderson and approved 5-0-0.**

7. Revised Assessment for Monomoy Regional School District

Mr. Powers reported that the intent of this article it reallocate the funds of the assessment so that it is no longer part of the operating budget. He will provide more specific motion language on the 19<sup>th</sup>.

Mr. Howell asked if Harwich has to vote the same language as Chatham. Mr. Powers responded that we do not. That this article is specific to Harwich



**Mr. Howell moved that the Board of Selectmen place article 7 on the Special Town Meeting Warrant and that the article language be accepted and adopted, 2<sup>nd</sup> by Ms. Anderson and approved 5-0-0.**

8. Revised Assessment for Cape Cod Regional Technical School District

Mr. Powers informed the Board that he has been working with the Finance Director on this article. The way that Cape Cod Technical School did this was by producing a credit for our first quarter payment. We are still evaluating the need on that. These are not funds that are looking to be spent, but rather to have a positive impact on our operating budget.

Finance Director Ann Marie Ellis was present. She and Mr. Powers have met a few times regarding this topic and staff feels that the Board can take the same action they did on article 7. The Cape Cod Tech School did bill Harwich for the first quarter payment, but there was a credit which reduced the tuition for us.

Mr. Howell asked to confirm that the school issued a credit against an obligation to our operating budget. Ms. Ellis responded that was correct and she reviewed the credit that was issued.

**Mr. Howell moved that the Board of Selectmen place article 8 on the Special Town Meeting Warrant and that the article language be accepted and adopted, 2<sup>nd</sup> by Ms. Kavanagh and approved 5-0-0.**

Mr. Powers expressed his thanks to the Board for their patience on this and thanked Ms. Ellis for her efforts over the last 7 weeks. Ms. Ellis, with the assistance of her staff, was able to close out the FY22 books.

C. Update – Disposition of land of low value and Judah Eldredge project

After the last meeting, Mr. Powers met with the Finance Director and Treasurer/Tax Collector regarding this property. The town has identified an auctioneer who can assist us in the disposition of those lands of low value, separate from what the Water Department has shown interest in. Staff hopes to get this going in the fall of 2022.

Mr. Powers reported that a contract has been finalized for a surveyor of the Judah Eldredge property. The hope is to have this job finished out before the end of the calendar year.

Mr. MacAskill asked if there is a mechanism with the Department of Revenue to write down some of the principal and interest since we now owe more than the land will ever be worth. Mr. Powers responded that he is still working with Counsel on this property. He survey work will bear greater fruit with tax title. He will continue to update the Board as we begin to move forward with the survey.

Mr. Howell reviewed his understanding of tax title taking and that funds be put into escrow for the maximum amount if someone comes forward to claim the land. Mr. Powers responded that he would defer to Counsel on that.

**TOWN ADMINISTRATOR'S REPORT**

Mr. Powers stated that after taking a "staycation" he is reminded of what a great town Harwich is.



Mr. Powers acknowledged the town, especially Harbor, Police and Fire, who responded to a horrible tragedy at Saquatucket Harbor. Thoughts and prayers are with the family.

### **SELECTMEN'S REPORT**

Mr. Howell stated that he was at the Dockside Shack this weekend and that it was not only refreshing but inspirational after speaking with the manager/owner of the establishment. They have they kind of dedication to an establishment that would be expected.

Mr. Howell and Ms. Kavanagh stated that they plan to attend the ribbon cutting ceremony at the playground on Saturday.

Ms. Kavanagh welcomed back Harwich Elementary and Monomoy students for the new school year. She also reminded everyone about the existing irrigation restrictions.

### **CORRESPONDENCE**

No correspondence was discussed.

### **ADJOURNMENT**

Mr. Howell moved to adjourn the meeting of the Board of Selectmen, 2<sup>nd</sup> by Ms. Anderson and approved 5-0-0.

Respectfully submitted,  
Jennifer Clarke  
Recording Secretary

