

September 7, 2021



**MINUTES
SELECTMEN'S MEETING
DONN B. GRIFFIN ROOM, TOWN HALL
TUESDAY, SEPTEMBER 7, 2021
5:30 P.M. (Executive Session)
6:30 P.M. (Regular Session)**

APPROVED

RELEASED

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

ALSO PARTICIPATING: Assistant Town Administrator Meggan Eldredge

CALL TO ORDER: Chairman MacAskill opened the Board of Selectmen's meeting for September 7, 2021 at 5:30 P.M. Ms. Anderson moved to enter into Executive Session, seconded by Mr. Howell. Vote: 4:0 in favor. Motion carried unanimously.

EXECUTIVE SESSION:

- A. Executive Session pursuant to G.L. c. 30A, sec. 21(a)(2) to conduct strategy sessions in preparation for negotiations with non-union personnel and to conduct contract negotiations with non-union personnel - Water/Wastewater Superintendent
- 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 International Associations of Machinists and Aerospace Workers (IAMAW) and Service Employees International Union (SEIU)
- C. Executive Session pursuant to G.L. c. 30A, sec 21(a)(3) to discuss litigation strategy with respect 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 litigation position and the chair so declares.

Chairman MacAskill reopened the regular meeting following the Executive Session. No decisions were made regarding the first two items in Executive Session, conversation but no decisions. Regarding Ember Pizza, Inc. vs Town of Harwich, their counsel Raymond Thompson had requested a stay. The Board voted 4:0 in Executive Session to deny their stay. Mr. MacAskill invited attendees to join him in the Pledge of Allegiance.

PUBLIC COMMENTS/ANNOUNCEMENTS:

Mr. Howell announced that Robin Wilkins passed away this past weekend. He respectfully shared a brief history of Mr. Wilkins contribution to the schools and the town and described his character. A moment of silenced was observed in his honor.

September 7, 2021

September 7, 2021

Mr. MacAskill announced that, under New Business, a few things are off the agenda. He noted C and D. The Town Administrator is not present tonight. That issue will be discussed in Executive Session and it will be brought back next week. Also removed is I., without the Town Administrator to answer questions that will not be taken up tonight.

A. Current vacancy list and how to apply to a committee

Mr. Howell went over the appointment process. Anyone who wants to be on any of the committees has to submit a Citizen's Committee Vacancy Form. The Finance Committee is appointed through the Town Moderator but the rest of the committees are generally picked by the Board of Selectmen. There is an Interview Committee who will call you in to be interviewed. Recommendations are made and the entire Board of Selectmen either ratifies that or asks to move for more candidates. Once recommendations are approved, a resident is sent a form indicating that they have been appointed. You would then be sworn in by the Town Clerk and that process completes the circle. If you were to resign, you would start where you ended with the Town Clerk in order to ratify the resignation. There are a large number of committees in town. Particularly concerning right now is the Historical District, Historical Commission which is in need of members. Mr. Howell noted which committees need members and how many in each. The Town of Harwich is governed by the good will of its volunteers. Anyone interested can go on line to get the Citizen's Activity Form through the Board of Selectmen's page or the Voter Information Committee page. Submit it to the front office and you will be set up with an appointment. All are based on volunteer efforts and they hope that people would step up and want to be part of it.

Mr. Ballantine added that if anyone has an interest, you do not have to be an expert to join a committee. We have a very strong town staff and supporting staff to answer questions. In some ways, our committees function the best when have a diversity of opinions. If interested, please contact us and we'll go forward.

B. Update from the Health Director on COVID-19 in our community

Dr. Katie O'Neill, Health Director reported that numbers in Barnstable, Dukes and Nantucket counties have been slightly elevated as we start the fall season which is likely due to the Delta Variant. Harwich has 16 active and one probable case. The average incident rate for Harwich was 14.2 per 100,000 compared to Massachusetts which is 19.5 and Barnstable County which is 21.1. We will continue to monitor numbers and track variants.

C. Update from Eversource on Integrated Vegetation Management Program-
Herbicide use in the region

Assistant Town Administrator Meggan Eldredge reported that they received an email from Eversource informing the town that they will be completing their vegetation management where herbicide treatments will be applied on targeted areas, 10 transmission and distribution rights through the region. This isn't something new, they do this occasionally. If you are along an Eversource right of way, you may see trucks doing vegetation treatment herbicides.

September 7, 2021

September 7, 2021

D. September 11th Remembrance Ceremony 20th Anniversary at Robert A. Peterson Firehouse, 175 Sisson Road

Fire Chief David LaBlanc announced that Saturday they will be holding the September 11th, 20th Anniversary Memorial Service at the Firehouse as they do every year. They ask that every gathers by 9:45AM in front of the Fire Station. A brief ceremony starts at 9:50AM. They will have light refreshments afterwards. It will be a public forum and they encourage everyone to attend. It is a significant day in our history and they try to remember it every year.

Cindy Williams, Executive Director of the Harwich Chamber of Commerce showed a prototype of the new Harwichopoly Game that the Chamber created. They will be selling it at the Cranberry Festival for \$30.00. It is a wonderful representation of all 7 villages. This Sunday is the Harwich Hometown Parade celebrating all 7 villages which are all represented in the parade. The route is on their website. Saturday and Sunday September 18th and 19th is the Harwich Cranberry Festival. The fireworks will be the 18th right after the Music Festival, around 8:00PM.

Edward McManus commented that normally he's be announcing Beach Day, unfortunately they are having issues with volunteers for the Cranberry Festival Committee. They concluded that they didn't have enough man power to put on the fun part, games, activities on the beach etc. Traditionally they have a food truck but none were available as they are also having trouble with enough manpower. They had to make the tough decision of canceling it for this year. Plans for the Cranberry Festival are going along well. A couple of student groups at the high school have volunteered to help the days of the event. All the planning seems to be coming together.

Van Khachadoorian, Commissioner of the Cape Cod Senior Softball League announced that they have their annual tournament Friday of this week and it'll run through next Wednesday. They have 1,000 softball players coming into town, roughly 1500 including wives. He invites everyone down to Potter Memorial Field to see some great softball being played by our seniors. The youngest is 50 and the oldest is 94. He is also a member of the Harwich Youth and Rec Commission and thanks everyone and the Board of Selectmen for the work the Highway Department has done to maintain the fields and get them ready for the classic. Everyone is invited to come watch a good brand of softball being played. This team is from Florida and the closest to us is in Maine. There are a total of 50 teams coming in.

CONSENT AGENDA

A. Vote to approve the Board of Selectmen Public Hearing Minutes for May 4, 2021

B. Vote to accept the gift of a memorial bench to be placed at Saquatucket Harbor.

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

September 7, 2021

September 7, 2021

Mr. MacAskill commented that the bench is for Mort Terry who had 30 years of charter service out of Saquatucket Harbor along with countless hours on the Waterways Committee. He was instrumental and a strong voice in the redoing of Saquatucket Harbor and he will be missed. His son was invited to say a few words.

David Terry spoke of his dad who lived in Harwich for over 40 years, Saquatucket Harbor for 30 years and loved the Harbor. He went on to tell his Dad's history and contributions to the town including the 30 years of running a charter and how much he loved it. He appreciates this honor in his name, today would have been his 74th birthday. It's a beautiful gift from the town to his dad and he is happy to be here in his honor accepting this gift. Thank you so much.

The vote: 4:0 in favor

OLD BUSINESS

A. Discussion and possible vote on reopening the Treasure Chest

Ms. Anderson recused herself due to her association with the Pantry.

Mr. Ballantine commented that this was brought up a few weeks ago and a request was made that they get back with the committee and have a meeting. He turns this over to committee members to discuss some of the findings in the discussions of that meeting.

Eric Fahle Clerk of the Treasure Chest Committee reported that the Committee met on the 24th of August. The draft minutes are in the packet. It was a good discussion. There are 2 interests and they are trying to accommodate both needs at the one facility. He feels the discussion should be amongst the Selectmen as to whether we can accommodate both interests at the facility.

Mr. Ballantine reminds everyone that the initial reason for the treasure Chest was two-fold. It was to provide a place for those who want to get rid of material that may not be the quality for resale but useful to others who need it. The second goal in the general sense was to eliminate or minimize some of the material that would normally go to the landfill and to save the town the cost of hauling it. He noted the difference between the Treasure Chest and thrift shops etc. Before the pandemic, the Treasure Chest Committee spent considerable time revising their charter to make clear developing operational guidelines and also rules of etiquette so the Committee would be respectful of the persons coming in both dropping off and picking up material. Some of the controversy came to a head 2 years ago. On July 1, 2018, the recommendation was made to the Board that they restrict the Treasure Chest to only Harwich residents because they had been overwhelmed by those from neighboring communities. There was one incident when they had to have the police there to help when people were turned away. A discussion at the meeting was recognizing the value of that building to the DPW. When the Treasure Chest was closed during the pandemic, the DPW made use of it and would like to maintain it. There is no other location that makes sense and part of tonight's discussion will be on the possibility of sharing that space or dividing the time in the seasons. The Treasure Chest might use it in the summer when it's the busiest and the DPW use that space in the other seasons. Also during the meeting there was discussion about charging for stickers whether directly or by

September 7, 2021

September 7, 2021

adding a dollar to the land fill sticker to cover the \$10,000.00 cost of the DPW hauling materials away. Mr. Ballantine recommended to the Board that they pursue opening the DPW following those recommendations, the first being that they open it up in the winter months for the DPW to use for maintenance and as a warehouse and allow it to be opened as the Treasure Chest in the summer months. There was discussion at the meeting of the possibility of hiring someone to supervise the DPW. The committee decided not to pursue that, it would add approximately \$16,000.00 per year and they are able to supervise it themselves.

Mr. Howell feels this is more complicated than it needs to be. There was a time when this operated well and there is overwhelming support to keep this open. There is a trash consequence to it but if it's thrown out, it all goes to the same place. He was unaware that the DPW had reutilized the building. They moved out of the original building to go to that with the promise that it would be a purpose-driven building that would be better for what they were doing. He questions circling around and taking over what was an abandoned building because management should have known something about that. He is not interested in discussing that. He was told that you can come from the back side to get in. There are a number of ways to do this. His bottom line is that there shouldn't be any attendant or new costs, it will manage poorly or well depending on the people who are in the committee. He notes that we allowed ourselves to have a committee that at one point in time had more members who didn't live in town than did. That should be rectified, people take care of things if its home based. He supports this and thinks we should support it and not find obstacles to make it not happen.

Mr. MacAskill asked what they envision as a plan so the Board can give them an answer tonight. He disagrees with Mr. Howell as far as the use of the building goes because clearly the DPW needs it. They formed a new maintenance division but didn't give them a home. He feels they needed it or they wouldn't have used it. Our last capital plan showed a new DPW building at great expense to the taxpayers that has to weigh into our decision. That piece of property is giant and we have invested a significant amount of money in license plate readers so when you drive through there's no question about where you come from and where your car is registered. He doesn't understand why we're not thinking of going through the main gate and letting your license plate be read and not burdening the taxpayers with a sticker if we don't have to. If they have a dump sticker they don't have to buy an extra pass. He feels the direction should be the committee reorganizing, the Committee Liaison along with the Town Administrator, the DPW Director controls all of that and coming back to the Board with a solid plan of how and when, not if, they're going to open. Right now all they have is further conversation with no plan.

Mr. Ballantine would go with the overall plan. They have looked at the organization and clearly follow their own by laws and have Harwich residents on the committee. He feels they should charge them to look at operating the Treasure Chest 6 months out of the year, the winter is a bit problematic anyway to work outside. It makes sense to run it through the card reader. They've had that discussion several times and the concern is that it would overwhelm the entrance, too much traffic. There are times during the summer, Labor Day Weekend for example, when it becomes very crowded. We have to look at a way it can be handled. He recommended to move forward with those 2 items, look at 6 months and ask the committee to come back with specific dates and framework for the organization and with a plan.

September 7, 2021

September 7, 2021

Mr. Howell commented that it has to be done coherently, there are a lot of moving parts. He does not want paid staff added to anything. We aren't in a place to add the burden of another paycheck. There are 3 people they could interview for this committee. There have been volunteers who were not on the actual governance committee who did shifts. This seemed to live and die with the quality of the people on the shift and shift leaders. He can't see it be open this year anyway and that'll give us time to appoint the larger committee that'll have regular posted meetings. We need a plan of action that says who and where it's going to operate so we can start up in April. He does not want to see this closed. We should take a shot at operating this through volunteers.

Mr. MacAskill commented that Brewster reopened with a different model than what they had but they do go through the gate and have to be recognized as a Brewster resident and the rules are stricter. He asked if that's the direction the committee is going.

Mr. Ballantine said yes and he will follow up with the committee. If they go with the 6 month idea they have time to organize it and be sure they have a plan.

Mr. Howell suggested that it would be important to get the 3 people on board and then reorganize the committee from a larger perspective and then come up with a plan to deliver to the Board of Selectmen.

Mr. MacAskill announced that just because there are 3 applicants doesn't mean they're going to get it so anyone who wants to get on the committee should fill out an activity form.

Maureen Davis asked if she is hearing that they are going to open, this is a consensus that the Treasure Chest will be open in May after the committee meets.

Mr. Ballantine replied that it is contingent on the approval of the rest of the Board, of the plan that will be brought to them.

Mr. MacAskill added that it is the consensus of the Board that they want to see it open but they still need a plan that they can vote on.

Ms. Anderson returned to the room.

NEW BUSINESS

A. Discussion and possible vote to approve the Committee Appointments recommended by the Interview Committee

1. Joseph Beasley - Alternate {Position - Board of Appeals - Term expires June 30, 2024
2. Charlie Pilon - Full Position - Bikeways Committee - Term expires June 30, 2024
3. Benjamin Hall - Full Position - Agricultural commission - Term expires June 30, 2022

September 7, 2021

September 7, 2021

Ms. Anderson moved to approve the appointments a presented, 2nd by Mr. Howell. The vote was 4-0-0 by roll call.

B. Update on Annual Committee Presentations

Mr. MacAskill noted that every year a committee member comes before the Board to give a snapshot of what they've been doing. With COVID-19 there were hardly any meetings and there was discussion about having the reports videotaped or submitted in writing this year. Normally they'll do 4 a night for some time but considering what they're facing this fall, it'll save time if it is done one of those ways.

Ms. Anderson commented that she would read the packets and the reports with a lot of good information. When people were asked to come and present, they read everything that is in the packet to the Board. She suggests that it be kept to a written document and whoever the committee head is, if they want to, they can come have a dialogue about a particular aspect.

Mr. Ballantine likes the written report but he would like to give the committee chair a chance to recognize someone who has done something. But there's no need to read the report.

Mr. Howell suggested that if they had any further questions on their end they could present a report. They do have to report on their activities but that can be in writing. It was supposed to be an exchange so as long as we hold open the prospect that we do need a committee to come in to discuss where they are and what they're doing etc. He's OK with it.

Mr. MacAskill confirmed that the Board will support a hybrid approach this year. He will ask to send a letter. If they want to come before the Board they can with highlights or requests. Otherwise they can submit the report in writing.

Ms. Anderson suggests that if they want the chair to verbally recognize their committee that could be done without a full presentation.

C. and D. are being held for the next meeting as previously stated.

E. Discussion and possible vote to hold a Public Hearing for the following alleged violations;

1. Perks-Alleged violation on July 24, 2021
2. Brax Landing-Alleged violation on August 16, 2021
3. Port Restaurant & Bar-Alleged violation on August 19, 2021
4. Seal Pub & Cafe-Alleged violation on August 25, 2021

Ms. Anderson moved to hold a public hearing for the alleged violations as presented, 2nd by Mr. Howell.

Mr. Howell points out that this refers for findings of facts. The Town Administrator can come back to the Board and let them know what he has found. It isn't an indictment.

September 7, 2021

September 7, 2021

Vote: 4:0 in favor

F. Discussion and possible vote to authorize the Town Administrator to be the Hearing Officer for the Public Hearing for the following alleged violations;

1. Perks-Alleged violation on July 24, 2021
2. Brax Landing-Alleged violation on August 16, 2021
3. Port Restaurant & Bar-pAlleged violation on August 19, 2021
4. Seal Pub & Cafe-Alleged violation August 25, 2021

Mr. Anderson moved to authorize the Town Administrator to be the Hearing Officer as presented, 2nd by Mr. Howell.

Mr. Howell noted that they Board had instructed the Chief to have a zero tolerance police due to concerns. If it appears that these things are happening more, it is because more are being reported. They will still need finding of fact and will be documenting all including repeat offenders.

Vote: 4:0 in favor

G. Discussion - 2021 Special town Meeting Draft Warrant
- Fund cost related to additional Wastewater Collection System Design

Mr. MacAskill stated there is a copy of the draft warrant in the packet. The intent is to go through the articles and vote what they can vote. They have until next Monday night to finalize this and get it to the Finance Committee in time for them to do their work and hit the printing deadline. They are trying to keep it slim as Harwich does not usually have a fall Town Meeting. The negotiated contract with the Firefighters' Union and Water Department Union and the Non-personnel Union all require funding. Therefore they have to go to Town Meeting. Counsel for the Town of Harwich John Giorgio is present. The articles will not be numbered until after the Board has voted.

-Fund costs related to updating the Comprehensive Wastewater Management Plan (CWMP)

There was a presentation last week, the Board voted up to \$250,000.00 to update the CWMP and this article relates to that.

Mr. Ballantine feels this is money well spent. The primary question last week was funding which will be addressed at Town Meeting. He is hoping that it remains on the Town Warrant.

Ms. Anderson is in favor of it. It was an excellent meeting last week and agrees its money well spent.

Mr. Howell also agrees with previous comments.

September 7, 2021

September 7, 2021

Sandy McClardy of East Harwich commented that Mr. Klekamp from GHD said he might recommend doing an hourly rate and he asked if that would change how the Warrant is worded.

Mr. MacAskill replied, no, it is up to \$250,000.00.

Ms. Anderson moved to include fund costs related to updating the Comprehensive Wastewater Management Plan (CWMP) in the fall Town Meeting not to exceed \$250,000.00, 2nd by Mr. Howell. Vote: 4:0 in favor

-Fund costs related to additional Wastewater Collection System Design

Mr. MacAskill noted that there is no number attached to this yet and if they are going to discuss it, they should give it a number.

Mr. Howell doesn't like anything getting on Town Meeting with the underlying principal of trust for the Board. He would like to get back to the way the law was originally intended, that the Board has a real solid number and project in Town Meeting that says yes or no. He agrees.

Mr. MacAskill stated that Ms. Anderson noticed a difference in the draft that's printed verses what's in the packet. The collection system that they are speaking about is related to East Harwich. The next article is related to the dry pipe on Rte. 28.

-Fund costs related to Route 28 Wastewater Collection system Design.

Mr. MacAskill noted that in the last meeting, Dan Pelletier, Wastewater Superintendent gave a presentation about Mass DOT's paving project on Route 28. If we do anything under Route 28 it has to be done before the DOT's project, there will be a 5 year mandated cap on cutting the pavement. The estimated cost is \$750,000.00.

Mr. Howell thinks this should be done, it would be naive to say they'll never have to handle any sewerage problems in West Harwich. If this is done in conjunction with the highway being opened, paved and closed, we're getting a discount. The pavement of this is on Mass DOT. He is in favor of this.

Ms. Anderson is also in favor and agrees it makes sense, she is a yes.

Mr. Ballantine feels it's smart to do it now, he is a yes.

John Chorey asked for clarification that when the Board said "get back" they meant next week. Also that "#3" means design only.

Mr. McClardy asked for clarification that the \$750,000.00 was to design the dry pipe installation.

Ms. Anderson moved to vote to fund cost related to Route 28 Wastewater Collection System Design in the amount of \$750,000.00, 2nd by Mr. Howell. Vote: 4:0 in favor

September 7, 2021

September 7, 2021

-Amend room tax rate per M.G.L. 64G s 3A to see if the Town would vote to accept provisions to amend local excise tax rate from 4% to 6% to take affect January 1, 2023 or to act fully thereon by the Board of Selectmen.

Mr. MacAskill commented that this conversation was had a few weeks ago and was about increasing the room's tax, hotel lodging tax, from 4% to 6% to dedicate the original 4% and the increase to Wastewater and Affordable Housing.

Mr. Ballantine commented that this has been brought up and declined in the past. He feels it's time to present this to the town as a whole and find out if they agree with the Board or not. They have talked about directing the funds to Wastewater and Affordable Housing, also talked about some of the funds offsetting OPEd. He is in favor of putting this on the Warrant to let the people decide.

Mr. Howell commented that there's the articles and then the motion to approve the article. He is only in favor of it to the extent that it's earmarked in an equitable fashion. If the motion is made at town meeting to give a structure that it can be allocated within that specifies that's what's being done, he is in favor of it. If at Town Meeting this is all we have, all it is doing is upping the rate and doesn't specify anything other than showering it into General Funds and he is not in favor of that. He conditionally supports this but it has to be followed up with a motion that actually shows where the money will go. The next two articles stand on their own. If this doesn't wind up passing what is being allocated, then it becomes an unencumbered bump in taxes.

Mr. Giorgio asked Mr. Howell if he would prefer to see a single article that incorporates the next two, so that it's one vote at Town Meeting to raise the room's tax to 6% and to create the special purpose stabilization fund. Town meeting could always divide the question. He also emphasized to the Board that the way this is drafted, it wouldn't take effect until the calendar quarter beginning in 2023. If not put in, it would automatically take effect on the first day of the calendar quarter occurring more than 30 days after the vote which would be January 1, 2022. He states that with this and the next two, you cannot separate out portions of the activities that are subject to the room's tax. The increase has to apply to hotels, motels, lodging houses and short term rentals.

Mr. MacAskill feels we're covered, the next 2 articles relate to a percentage and it could be that if the top one fails, they'd be allocating the 4% or a percentage of the 4% either way. If it's all done in one article there'd be confusion. The January 1, 2023 date was to give the businesses time to plan.

Mr. Howell commented that this only makes sense to him if the people who come to town, use the services, flush the toilets, get some relief by virtue of leaving money to address those problems. It needs to be earmarked to something you can rationalize. They don't own property or pay taxes and this is an opportunity to recoup that in the way they have chosen to adopt. Everything that is done with sewerage is being paid for by taxpayers in town regardless of where they live. It's fair that these people pay their share.

Mr. MacAskill asked if that can be accomplished a motion.

September 7, 2021

September 7, 2021

Mr. Giorgio replied that he does not think so. This is a standalone vote whether or not to increase the room's tax from 4 to 6%. He would defer to the earlier comment that if this article does not pass, there is still opportunity in the next 2 articles to dedicate a percentage to Affordable Housing and Wastewater. The decision is, does the Board want the increase the room's tax to be a standalone article?

Mr. Ballantine comments that right now this is a standalone 4-6%. Can we then put in a motion that those funds, to a degree that they direct, will come from that 4-6% increase?

Mr. Giorgio replied that the next 2 articles each say that you're going to take 25% of the room's tax and dedicate and that does it.

Ms. Anderson is in favor of this knowing there has been some push back from the businesses that this will effect. However, we are one of the last towns on the Cape to propose this and there wasn't a room to be found on Cape all summer. She doesn't see how this is going to hurt our economy, our lodging places will still be full. The customers will be paying a bit more but they're paying that in all the other towns.

Mr. Howell wants to be sure that it goes to a problem they can help solve.

Mr. MacAskill stated that the only way to get there, based on what Attorney Giorgio said, and is in the Selectmen's Statements, pre-Town Meeting, each one is going to be assigned an article and a half. The intent in our conversations is quite clear and he's comfortable with it.

Mr. Chorey, Chair of the Finance Committee but speaking for himself asked the dollar amount of the 2% increase.

Mr. MacAskill replied that the 6% will bring the total number to about 1.2 million.

Tony Guthrie, a business persons in Harwich for 25 years is speaking for himself. He has been part of Wequassett for 25 years. He is very disappointed. By using the rationale that every other town is doing it, you don't understand that there are 2 places in Harwich that charge the most for weddings and rooms in New England, not just on Cape Cod. Comparisons are being made to towns like Yarmouth that have roadside inns and b&bs. Wequassett average daily rate in the summer is \$1,000.00 per night. He thinks the Board feels they can afford out and that it's an arrogant approach especially since the Chamber isn't given anything near where they should be given to support the town. We are lucky enough to be in a robust town and that'll stay on but he feels the Board is arrogant. That every other town is doing it, we should do it, that all the rooms are taken so we should do it and to use things like people should pay for flushing our toilets and using our services, both Wequassett and Wychmere have waste treatment facilities so they have zero impact on the town. They are seasonal and use some Police and Fire Department services but they pay for those. He remembers when the Board raised the option tax for food and now are looking for more money. Mr. Guthrie continued and will encourage people to vote against this.

September 7, 2021

September 7, 2021

Sharon Foster spoke, she owns a bed and breakfast and loves doing business in this area. She commented that the amount of Federal Spending that's been going on in the last 8 months is unprecedented. There will be a bill and the people paying it will be the citizens of this country. Because the opportunity is there, you are increasing the lodging tax another 2%. She asks if they have gone through all the proposed plans before the Board and if they're absolutely necessary or is it nice or a want. She asked that they not increased the tax and she continued with her reasons why she is against it. She feels that if they target one segment of society, they should be sure those people are getting some of the benefit of the money that's being taken in with marketing, as an example. We are a small community and she asks that they don't spend the money foolishly and insists every bill has to be paid because we've got a big bill coming. Just because they can be taxed, doesn't make it right. She thanked the Board for listening to her.

Sandy McClardy commented to the point of making sure this is allocated. He asked, what if the stabilization fund was on the Warrant first so they know when it goes from 4 to 6% that it is going to be earmarked?

Mr. Giorgio replied yes, that it's a matter of how the Board orders the articles.

Mr. McClardy commented in response to some of the earlier comments. He feels it's not to punish anyone but to clean the water and make it a better place. The cost is not just hurting businesses, its hurting folks in the town. We've all got to be paying and we all need to pull our weight. In regards to the comment about Wequasset not putting anything into the Bay, he feels that is not true. He explained the effluent coming out of that system and the connection to the Golf Course and that nitrogen load. He is in support of this 2% if it's earmarked.

Mr. MacAskill noted that the Board will take up re-sequencing.

Ed McManus, former selectman commented that the increase from 4 to 6% was originally authorized by the Legislature in the Municipal Reorganization Act of 2008 when this discussion started. They did not increase the tax for reasons of competition, many neighbors weren't doing it at that point. Many are now. We are lucky to have Wychmere and Wequassett but we are not the only town that has high priced lodging. He urges the Board to put this on the Warrant and present it to the taxpayers and citizens of the town to see what they want to do.

Ms. Anderson moved that the Board vote to include Amend room tax rate per M.G.L., Chapter 64G, s3A to amend the local excise rate from 4% to 6% to take effect on January 1, 2023, 2nd by Mr. Ballantine.

Mr. Howell stated that he will abstain until he sees the sequencing. He is in favor if it is earmarked. Without doing anything different we're in it for \$350 million to \$400 million dollars now in terms of what we're facing in remediation. It's difficult to get 6000+ residents to pay for and recognize that the landscape beneath us is shifting because people are coming and buying larger houses. We're not getting the same key in real estate taxes. He agrees that in some other venue they should consider being more robust with the Chamber of Commerce.

September 7, 2021

September 7, 2021

Mr. MacAskill suggested they remove the motion, decide what the sequencing is and then do the motion.

Vote: 3-0-1 with Mr. Howell abstaining.

The Board discussed the sequencing of the Warrant. They agree that the next two will be on before that one.

Mr. MacAskill noted that the next 2 are related to where they want to put a percentage of this money.

Create a Wastewater Stabilization Fund

To see if the Town will accept M.G.L. C40 s5b paragraph 4 thereby creating a Wastewater Special Stabilization Fund with monies in said and to be used subject to appropriation, to implement the Town's Comprehensive Wastewater Management Plan including the development of a Wastewater infrastructure provided that 25% of the Room's Excise Tax collected by the Town in accordance with M.G.L. 64G s3A be dedicated to the Wastewater Special Purpose Stabilization Fund without further appropriation to take effect in the FY beginning July 1, 2022 or to act fully thereon.

Ms. Anderson is in favor and things it makes sense.

Mr. Howell agrees.

Mr. Ballantine, yes.

Mr. Giorgio points out that it has to be a minimum of 25% and unlike the previous article, this takes effect on the first day of a fiscal year which is January 1, 2022. In the interest of transparency, we should let the voters know when it is going to take effect. The previous item is based on a calendar quarter. This vote cannot be rescinded or amended for 3 fiscal years, that's part of the statute.

Ms. Anderson questioned the dates that were just mentioned.

Mr. Giorgio clarified that the previous article to raise the room's tax takes effect January 1, 2023. This one takes effect FY 2021 which is July 1, 2022.

Ms. Anderson noted that it can't be amended or rescinded for 3 years and asked if it should be included so people know that.

Mr. Giorgio replied that it could be in a comment but they keep the bare minimum of the language for the Warrant article.

Mr. Howell commented that these are really important. If we don't do this it winds up being a slush fund that goes around prop 2 1/2 and becomes an auxiliary fueling for funding stuff form

September 7, 2021

September 7, 2021

the government. He totally agrees with needs vs wants and this Board has been good at that, holding the line on expenditures. This is telling the voters the yes we're going to get more money but it's going to be dedicated so it's not a crushing debt load on everyone.

Sandy McClardy questioned if the 25% would be in the special bucket and the rest would be in the general fund?

Mr. MacAskill replies that 25% of the room's tax will go into a stabilization fund for Wastewater. The next one they're going to bring up is affordable housing. It's roughly \$700,000 divided between the 2 buckets. Of the full 6%, 25% will go to Wastewater and 25% will go to Affordable Housing, 50% stays in the General Fund. That was discussed with the Town Administrator and the Finance Director before it was put on and there are obligations where that money is going already and the Finance Director was comfortable talking about 50% of the total number.

Mr. Howell commented that it's important for the general public to understand that right now, without the extra 2%, dollar 1 for the 4% goes into the General Fund. By doing this, it is a commitment to actually start at dollar 1 adding the 2% and then directing it towards things that are particularly important such as infrastructure.

Ms. Anderson moved that the Board include in the Warrant the creation of a Wastewater Special Purpose Stabilization Fund which will be 25% of the Room's Excise Tax. Vote: 4:0 in favor

-Create an Affordable Housing special purpose Stabilization Fund

Mr. MacAskill states that the next one is to create an Affordable Housing Stabilization Fund, similar to the last one, to see if the town will vote to accept M.G.L. C40 s5b paragraph 4 thereby creating an Affordable Housing special purpose Stabilization Fund with the monies in said fund to be used subject to appropriation provided that 25% of the Room's Excise Tax collected by the Town in accordance with M.G.L. C64G s3A be dedicated to the Affordable Housing special purpose Stabilization Fund without further appropriation to take effect on July 1, 2022 or act fully thereon.

Mr. Howell directs a question to Mr. Giorgio. We have CPC money going into Affordable Housing. It's encumbered to 60% area median income in 80. Does this general law codify what that is? We are going to look towards mixed use housing communities as far as 125% and down. 100% has been considered to be affordable in some venues but not in the Community Preservation Act. Is this general law flexible enough to allow us to go above 80?

Mr. Giorgio replied that it doesn't specify. We would take the position that it would meet the definition of affordable housing under the CPA. That would come at the time that you're going to be appropriating the money. This money goes automatically in to both of these Stabilization Funds. It requires a Town Meeting vote to take the money out of those Funds at which time you would specify the purpose for a particular project. It could be to transfer the money to the Affordable Housing Trust which is possible as it is under the CPA. You can deal with those

September 7, 2021

September 7, 2021

questions on a case by case basis once you're appropriating the money. The appropriation votes are a 2/3's vote at Town Meeting.

Mr. Howell's problem with what was stated is that part of its universal and part was quoted the CPA. CPA has a specific cap of 80. If that's not what we mean, he would like to be able to say that.

Mr. Giorgio would need to know exactly what the Board want to hear.

Mr. Howell is hoping for at least 100%.

Mr. Giorgio stated that it doesn't have to be done for the Warrant itself but it can be done in the motion. There could be discussion about how you want to fund Affordable Housing for purposes of this special purpose Stabilization Fund.

Mr. Howell continued that if this is going to be working towards the solution that we're hoping for, we need to address that now.

Mr. Giorgio commented that one thing was left out. In the 3rd line where it says "with money in said fund to be used subject to appropriation" we're going to have to add "for Affordable Housing purposes". That will be added to the Warrant.

Ms. Anderson asked for clarification, does this fund not have to follow the same level of Affordable Housing? Could this be some other level?

Mr. Giorgio replied yes, it could be.

Ed McManus thinks Mr. Howell's point of having more flexibility than the limits of the CPA is critical in establishing this fund. We have the ability with the CPA funds to help those people who are below the median income by 80 or 60%. What we're facing is losing a lot of our working people because they fall into a range higher than that. It's not high enough to be able to afford a mortgage on market rate housing but they're priced out of participating in any other affordable housing programs. It's that population that we need to do whatever it is we can to see that group of people maintain as part of our community and maintain the people that operate our businesses and our economy.

Mr. Giorgio suggested they may want to consider when they say affordable housing purposes being more precise and saying for the creation and support of affordable housing. That would allow you to use these dollars not just to create new housing but to support affordable housing generally, rental assistance programs and that kind of thing.

Mr. Howell commented that typically people in their 40's, 50's, 60's would move into houses and the household started making money. The way affordable housing works, it's the total income of everybody who's in that unit. If you're talking about 60% median income it has to be a family of 4 and it has to be less than \$65,000 of combined income. It is important to get up to

September 7, 2021

September 7, 2021

125%. If everything we have is encumbered to the exact same level then all we can ever do is the low end affordable housing and we'll never have anything other than that.

Mr. MacAskill asked if the motion needs to be changed.

Mr. Giorgio replied no. He will insert, for the creation and support of affordable housing.

Ms. Anderson moved that we include an article to create an Affordable Housing special purpose Stabilization Fund for the creation and support of Affordable Housing to take effect July 1, 2022 and that 25% of the Room's Excise Tax would go into that fund. 2nd by Mr. Howell. Vote: 4:0 in favor

- Fund Non-Union Personnel wage increases
- Fund negotiated Contract - Fire Fighters
- Fund negotiated contract - Water Department

Mr. MacAskill notes that the next 3 are related to contracts. There are no dollar amounts because the Finance Director is not present tonight. The Board has voted all these contracts so they have rough numbers. He asked if the Board is comfortable voting to have them placed in the Warrant. Next week they will have the numbers. This is the real reason they're having Town Meeting, we have no choice but to fund these.

Ms. Anderson moved to include an article in the Warrant to fund Non-Union Personnel wage increases for FY 2022 for Non-Union personnel covered under personal service contracts or personnel by law. 2nd by Mr. Howell. Vote: 4:0 in favor

Ms. Anderson moved to include an article in the Warrant to fund a negotiated contract for the Fire Fighters, the sufficient amount of money to be added to FY 2022 Fire Department budget to increase the new contractual agreement between Harwich Permanent Fire Fighters Local 2124, 2nd by Mr. Howell. Vote: 4:0 in favor

Ms. Anderson moved to include an article in the Warrant to fund a negotiated contract for the Water Department, 2nd by Mr. Howell. Vote: 4:0 in favor

- Transfer of surplus Bond proceeds

Ms. Anderson moved to include an article in the Warrant to transfer the surplus bond proceeds to pay costs of acquiring a Fire Department apparatus, 2nd by Mr. Howell. Vote: 4:0 in favor

- Land taking by Eminent Domain

Mr. MacAskill states that this article is to see if the town will vote to authorize the Board of Selectmen to acquire by purchase, by gift, eminent domain or otherwise a parcel of land consisting of 2 acres more or less located off Pleasant Lake Avenue Router 124 identified as Assessor's Map 82 Parcel R5 for affordable housing purposes. To describe this article, the Town Affordable Housing Trust just purchased 13.2 acres on Route 124 across the street from

September 7, 2021

September 7, 2021

Marceline's Junk Yard. It was a Marceline property, there is a 2 acre piece in the middle of this and is not accessible by anyone but us now. We have extensive paperwork from the land surveyor showing that the title is a mess. The only one that can take this parcel of land by eminent domain is the Board of Selectmen approved by Town Meeting. To square off the 13+ acres the town just purchased we are asking the Town for the Board to be able to take this by eminent domain. It will have to be appraised and the appraised value should be low because it's not accessible or worth anything to anyone else. That will be added to this article before Town Meeting votes on it.

Mr. Ballantine commented that it's straight forward and he is in favor of putting it on the agenda.

Ms. Anderson referred to the title being a mess and asked who the Board would be buying it from or taking it from.

Mr. Giorgio replied that the Town would have to do due diligence which will include a title search to see if title can be determined. What happens sometimes, when a title is a mess the town has to do a certain level of due diligence in an attempt to determine the rightful owner. If we can't, we can still proceed with owners unknown but the money is put in an escrow account. If someone comes forward and can establish good title, the money is set aside. It doesn't stop the taking but you put aside the money to pay land damages if and when title is established.

Mr. Howell commented that the Affordable Housing Trust did have discussions about this when it became apparent that the Marceline property was available and they unanimously determined that they wanted to request the Board of Selectmen to do this. This would be a magnificent piece of property with only one loose end and there has to be an associated deposit made in escrow.

Mr. McManus noted that it's across from the Park n Ride not the junkyard.

Ms. Anderson moved to include an article for land taking by eminent domain as presented. 2nd by Mr Howell. Vote: 4:0 in favor.

-Ambulance Replacement

Mr. MacAskill stated that there is a very specific fall Town Meeting Agenda related to Affordable Housing, Wastewater, Room's Tax as well as negotiated contracts. He was against putting an ambulance on the agenda, he understands the rationale and he will be looking for what other cost would be associated with this to the taxpayers by buying it early other than the \$4,000.00.

Fire Chief David LeBlanc responded that the biggest benefit aside from the savings from the projected increase is going to be the lifespan of the ambulance. If it puts us 9 months out of rotation, it happened before and it took 6-7 years to get that 3rd ambulance back to a low enough number of miles. They ran into trouble with ambulances not passing inspection. His biggest concern is that the shortage of chips continues, which GM just shut down their plants because of it, we are looking at over a year build time for an ambulance. That means our replacement will be closer to 3 years not 2 years and we'll end up running behind. We're putting all 4 ambulances

September 7, 2021

September 7, 2021

on the road pretty consistently so his biggest concern is the status of the fleet. It's at the point where we were 2 years ago, buying 2 ambulances in a row. Obviously the savings is not a large amount but he understand that buying it in the fall or spring, the appropriation is the same amount of money so they're not using different funding, just accelerating when they would purchase it.

Mr. MacAskill asked the difference in time between ordering it in the spring and ordering it now. Normally how far do you have to wait out for your ambulance verses the 9 months this time?

Chief LeBlanc replied that usually if it's ordered in the spring they receive it by December or January. This will be a full year, if it's ordered next spring, probably can't actually order until June or July and that extra will put us into that 9 month over the normal 2 year replacement.

Mr. MacAskill asked how ambulances are normally funded and the answer was Free Cash.

Mr. Howell commented that getting these things in sequence is really important because you don't always know what your level of Free Cash is from year to year and having 2 of them in the same fiscal year becomes expensive.

Mr. Ballantine trusts the sequence.

Ms. Anderson moved to include an article to purchase the ambulance in the amount of \$378,676.00. 2nd by Mr. Howell. Vote: 4:0 in favor

-Unpaid Bills

Mr. MacAskill stated that this is a customary article as well to fund prior year unpaid bills. This normally does not amount to a lot of money. He suggests it be put on the Warrant and next week come back with the details as to the amounts.

Ms. Anderson moved to put an article in the Warrant to cover the unpaid bills, 2nd Mr Howell. Vote: 4:0 in favor

Mr. Ballantine would like to encourage inclusion of articles for the wetland bylaw revisions and the dock water dependent structure division. He wanted to have this discussion because he sees these as time sensitive. They've been under discussion for a year and a half with monthly postings for discussions. At two meetings it was the single subject on the two bylaw revisions. He wants to be sure we're not delaying that because we don't agree with it all. This is a committee system and he doesn't agree with it. There are steps to clarify some of the bylaws that have been an irritation. For instance, one is on the docks, shellfish surveys and it's been hard to make sure people are following the same procedures for doing shell fish surveys. It's easy for someone to do a one look at and say they found shellfish or they did not but this puts it on firm statistical analysis so they create a grid and we have real numbers to compare one to the other. There are other clarifications he feels are important that would help the Conservation Commission deliberate in a more strategic and defined fashion to avoid some long meetings where consultants are able to debate what seems like forever because they're not using the same

September 7, 2021

September 7, 2021

procedure. He thinks this is timely and he would like to see it on for consideration at Town Meeting for those reasons.

Mr. Howell commented that they all got an email from the former chair of the Conservation Commission. He gets that there are some things that are self-apparently good ideas especially if you're on a committee that administers them and he's not disputing that. But they have managed twice to ring something up within 6 weeks of the actual meeting. This is a democracy and Town Meeting is our legislative body. He would love them to have a process that includes the public and the annual Town meeting gives tons of notice to people about what's going to be on. The first time this didn't make it wasn't because they were upset with anybody it was because COVID was raging and they didn't know if they were going to have a Town Meeting. He thinks it's the wrong time to do something in October that hasn't had widespread community involvement. He will note that one element of the things that didn't make it on the Town Meeting, they changed their process for the actual committee itself absent the Town Meeting vote because they felt it was such a great idea that they had to do it. That's not the way things are done in a democracy. This could be put on the May Town Meeting and he would support it if people got notice of it because they'd be developing a Warrant form December forward.

Mr. Ballantine stated that they asked for it to be put on the last Town Meeting and the Board delayed it. Their meetings have been posted time and time again of these potential changes. Delaying good actions forever is in itself an action, negative action. He'd like to see the Board take a positive action. The least we can do at this point is to give them a chance to present in front of the Board to outline some of these changes.

Mr. MacAskill stated that his intention is to have it scheduled on an agenda in the near future. His intention is exactly what was discussed last year which is having them come before the Board of Selectmen and have them pitch this for our support. Then the Board will decide if they're going to put it on the Warrant or not. In the mean time we have a new Town Planner and he is the director of the upstairs. He believes there is some redundancy in the article that we're going to bring forward and pay attention to town code. It's coming to a meeting before the Board soon and hopefully we will get some publicity which will allow some people to come out and comment on this. He agrees it need to be done but he doesn't think bringing zoning changes or conservation restrictions to a slimmed down Town meeting is the right choice for this Town Meeting. It should be a broad audience and our Annual Town Meeting is a broad audience.

Mr. Ballantine does disagree about coming to the Board for support and recommendation. The Board appointed members to be independent and to take their bylaw changes to Town Meeting. He would hate to imply in any way that the Board is trying to overrule the Commission.

Mr. MacAskill states it's about education and he wants to get the information out there.

Ms. Anderson agrees with Mr. Ballantine. She asked if by bringing them soon there is still an opportunity, if the vote among the Board is to include it in the Warrant and how long they have.

Mr. MacAskill replied that they have to be done next week.

September 7, 2021

September 7, 2021

Ms. Anderson suggested they put it to vote to put it on the Warrant.

Sandy McClardy supported what Mr. Ballantine was saying, it does seem that it's been kicked down the road and he thinks there would be broad support if people knew about it.

Mr. Ballantine made a simple motion to include the Conservation Bylaws for wetlands and water structures. 2nd by Ms. Anderson. Vote 2:2 with 2 in favor and 2 against. The motion does not carry

H. Discussion and possible vote to send a letter of support to Eversource and/or Verizon to fix double poles in Harwich

Mr. MacAskill noted that this came up beach several residents complained about telephone poles leaning in front of their house and poles attached to poles. Then a conversation that he had with Lincoln Hooper of the DPW who said that Chris Nickerson had given up trying to get the poles replaced.

Mr. Ballantine moved to send a letter to Eversource and/or Verizon to fix double ones in Harwich, 2nd by Ms. Anderson. Vote 4:0 in favor

CONTRACTS:

A. Discussion and possible vote to execute a contract with New England Recreations Group for the purchase of playground equipment for the community Playground behind the Elementary School in the amount of \$71,217.00

Ms. Anderson moved to vote the contract as presented, 2nd by Mr. Ballantine.
Vote: 3:1

B. Discussion and possible vote to execute a contract with Childscapes for the purchase of playground equipment for the Community Playground behind the elementary School in the amount of \$123,220.41

Ms. Anderson moved to vote the contract as presented, 2nd by Mr. Ballantine.
Vote: 3:1

Mr. MacAskill noted that these are previously voted Town Warrant Articles, not new tonight.

TOWN ADMINISTRATOR'S REPORT:

Assistant Town Administrator Meggan Eldredge reported that Administration will be reaching out to Harwich Center stakeholders to schedule a meeting regarding the Harwich Center project, the Shared Streets Project. Those property owners along Route 28 should expect a phone call or an email. They had a few contracts approved through procurement. The first is additional playground equipment contract for \$24,084.00 for more playground equipment for the Community Playground. Also an update from Recreation for the funding for hiring an electrical

September 7, 2021

September 7, 2021

engineer for the Brooks Park Lighting Project so that is moving forward. We have a contract with a lighting engineer and are receiving updated prices for the lights themselves. Once that's done a bid package can be put together for the construction. Our Director of Planning and Community Development wanted an announcement made for an application that's going before the Planning Board and this has to do with an applicant, Michael London. He is a prospective buyer who intends to build a single family residence on the lot Map 84 Parcel A3 on Nathan Walker Road/0 Cherokee Road. The reason the Director wanted this brought forth is because there is a portion of this project that access will need to be made over conservation-owned land. There are 2 parcels of conservation land that have a dirt road, both are accessible and access to this new improved lot will need to go over town owned land. They're not proposing to make any changes to those parcels and the access should not change but with all of the interest in parcels in the land in Hawk's Nest area, it is appropriate to make an announcement to let the Board and the public know that there is an application coming before the Planning Board. Our Conservation Administrator did weight in and she said the 2 properties are in the care and custody of the Conservation Commission. They are not going to allow any work there.

SELECTMEN'S REPORT:

Mr. Howell-no report
Ms. Anderson-no report
Mr. Ballantine-no report

Mr. Ballantine moved to adjourn, 2nd by Ms. Anderson. Vote: 4:0

Respectfully submitted,

Judith R. Moldstad
Recording Secretary

September 7, 2021

