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**MINUTES  
SELECTMEN'S MEETING  
TOWN HALL**

**MONDAY, OCTOBER 5, 2020  
6:00 P.M. - EXECUTIVE SESSION  
6:30 P.M. - REGULAR MEETING  
REMOTE PARTICIPATION ONLY**

APPROVED

RELEASED

**SELECTMEN PARTICIPATING:** Larry Ballantine, Michael MacAskill, Ed McManus, Donald Howell & Stephen Ford

**ALSO PARTICIPATING:** Interim Town Administrator Joseph Powers

**CALL TO ORDER**

Mr. Ballantine called the meeting to order at 6:00 to begin with Executive Session.

**EXECUTIVE SESSION**

- A. Pursuant to M.G.L. c. 30A section 21 (a) paragraph 3 to discuss with respect to collective bargaining for Harwich Employees Association (HEA) and the Highways and Maintenance Employees Association (HMEA) if an open session would have a detrimental effect on the town's bargaining position and the Chair so declares
- B. Pursuant to M.G.L. c. 30A section 21 (a) paragraph 2 to conduct strategy sessions for contract negotiations for nonunion personnel – Personnel Bylaw Employees
- C. Pursuant to M.G.L. c. 30A section 21 (a) paragraph 2 to conduct strategy sessions for contract negotiations for nonunion personnel – Finance Director/Town Accountant and Chief of Police

Mr. Ballantine called the meeting back to order following executive session. He reported that there will be follow up discussions on the items listed.

**WEEKLY BRIEFING**

- A. COVID-19 Updates

Mr. Powers reported that Governor Baker has announced that we are now in phase 3 step 2 of the re-opening plan. Harwich is currently a low risk community. There is a call scheduled for tomorrow afternoon with the Baker Administration for additional follow up. The Board will be talking about the action that was taken by Governor Baker a few weeks ago that ties into working with establishments after November 1 to find ways that we can support them for outdoor seating if they choose to offer it for the remainder of the emergency.

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

Harwich Chamber of Commerce Executive Director Cyndi Williams was present and stated that as we are heading into Columbus Day weekend, businesses are still operating in their typical new normal. Hotels and inns are still open.

- C. Discuss impacts of transitioning to COVID-19 guidance Phase III Step II

## PUBLIC COMMENTS/ANNOUNCEMENTS

No public comments/announcements were heard.

## CONSENT AGENDA

- A. Vote to accept the resignation from Laurinda Raquel – Harwich Cultural Council
- B. Vote to affirm the appointment of Larry Brutti – Waterways Committee – Full position, term to expire 2021
- C. Vote to affirm the appointment of Kent Drushella – Waterways Committee – Full position, term to expire 2022
- D. Vote to affirm the appointment Robert Thompson – Cemetery Commission – Full position, term to expire 2022
- E. Vote to affirm the appointment of Sharon Moore – Cultural Council – Full position, term to expire 2023
- F. Vote to affirm the appointment of Peter Hollis – Cultural Council – Full position, term to expire 2022

**Mr. MacAskill moved to approve the consent agenda as listed, 2<sup>nd</sup> by Mr. McManus. The vote was 5-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. McManus, Mr. Ford & Mr. Howell all voting aye by roll call.**

## NEW BUSINESS

- A. Discussion on potential automatic 60 day extension of outdoor table service and on premise consumption of alcohol to all establishments that have been previously approved

Mr. Powers stated that this is meant to be a preliminary discussion relative to the information release back on September 11, 2020 from the ABCC regarding the extension of allowance of outdoor table service. Mr. Powers reviewed the document that was provided. He is looking for input from the Board. The local licensing authority may issue extensions automatically or may do some upon request from an individual licensee. The local licensing authority also may modify any previous approvals as they seem appropriate. Mr. Powers has scheduled this to come back at the October 19 meeting for a final recommendation. He asked if the Board would like to see a policy that is all encompassing or hear the requests license by license.

Mr. MacAskill suggested supporting automatic renewals. He would like to move as quickly as possible to benefit the establishments.

Mr. Powers added that he would need to work with departments and have discussions with establishments about snow removal and other certain emergencies with respect to outdoor seating.

Mr. McManus said that he would not have a problem doing a blanket extension for 60 days beyond the end of the state of emergency.

Mr. Ford stated that he only issue that he would have in doing a blanket extension is that there have been a couple of businesses that have had problems stem from outside seating and that he continues to receive complaints. Mr. Ballantine commented that we could handle those extensions through separate actions.

Mr. Powers suggested that if the Board decided to do a case by case approval, you could factor in concerns of conduct of the operation as it relates to outdoor seating going through the winter.

Mr. Howell questioned the difference between tents that have 4 drop sides of impervious plastic versus the dining room in the building for the purposes of air circulation. Mr. Powers responded that he is not aware that establishments are allowed to put all 4 sides of the tent down.

Mr. MacAskill asked that the Board wait for Mr. Powers to come back to them with additional information before making a final decision, but that the Board supports the extension.

Ms. Williams added that she would like to contact restaurants who have tents and see who might be staying open with outdoor seating. She suggested having a continued discussion on the 19<sup>th</sup>.

The Board and Mr. Powers had a brief discussion on snow removal responsibilities.

Mr. Powers stated that he intends to bring back a fully vetted proposal to the Board at their meeting on the 19<sup>th</sup>.

- B. Discussion and possible vote to approve a Hawkers & Peddlers license for Pilgrim Lodge to sell Christmas Trees and waive associated \$60.00 fee.

**Mr. McManus moved to approve a Hawkers & Peddlers license for Pilgrim Lodge to sell Christmas trees and waive the associated \$60.00 fee, 2<sup>nd</sup> by Mr. Howell.**

Mr. MacAskill stated that he is not in support of waiving the application fee. He does not feel that the \$60.00 fee poses a financial hardship to the lodge. The fee covers staff time to put the permit together. He added that given the financial state of the town, we should not be making any statement to waive fees at this time.

Mr. Howell stated that he would be willing to contribute \$20.00 from the Board to do this, which would still be paying the fee.

Mr. McManus said that having sold trees before, \$60.00 is the profit on 2-6' trees. He agreed with Mr. MacAskill's comments.

**Mr. McManus moved to withdraw his approval of the fee waiver, 2<sup>nd</sup> by Mr. Howell.**

**Mr. Manus moved to approve a Hawkers & Peddlers license for Pilgrim Lodge to sell Christmas trees and to not waive the associated \$60.00 fee, 2<sup>nd</sup> by Mr. Howell. The vote was 5-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell, Mr. McManus & Mr. Ford all voting aye by roll call.**

Mr. Powers added that there will be a notation on the permit from the Health Director that COVID-19 standards for retail would apply to the license.

- C. Review draft FY 2022 Budget/Warrant timeline

Mr. Powers walked the Board through his review of the budget/warrant timeline.

Mr. Howell commented that historically, the Board has had a joint meeting with the Finance Committee where the employees could come in and advocate why a budget item might be worthwhile or not. This meeting has always been held in early February. Mr. Howell would like to see the meeting happen prior to February 22.

Mr. McManus would like to add December 7 to begin preliminary review of articles. He would also like for the Board to review town sponsored articles ahead of time so that any issues can be rectified before the deadline comes and someone finds that something is missing.

Mr. MacAskill asked if it would make sense to have a Saturday meeting or to bring in department heads earlier in the process and then re-vote if necessary before the final budget goes to the Finance Committee. Mr. Howell commented that there was a period of time where the Board had major departments come in as part of the agenda discussions.

Mr. Ballantine suggested if we do these discussions at a regular meeting, they should be joint meetings with the Finance Committee and department heads. He hopes to have good discussions up front and have department heads present their case and for the Board to be able to give them guidance.

Finance Committee Chair Jon Chorey was present remotely.

Mr. Powers stated that the charter requires the Finance Committee to have at least one public hearing and he went on to review the deadline requirements. He added that he will work through the timeline, make edits and bring this back to the Board.

D. Discuss Board of Selectmen goals for FY 2021

Mr. Ballantine stated that what was put in the packet were the goals from last year. He asked his fellow Board members to review the goals, commenting that they don't change that much from year to year. Mr. Ballantine stated that members should send him their comments and that he can bring back a revised document for next week's meeting.

On goal # 3 regarding regional wastewater, Mr. MacAskill stated that he would like to have a more robust conversation before he would vote to make it a goal.

E. Discuss FY 2022 Financial assessment year to date Charter Section 9-2-1

Mr. Powers stated that he has heard reference to this as a 5-year plan. The charter speaks to the financial assessment of where we are as a town. He feels that we have a real sense of the assessment and that he can validate it with the Finance Director who can provide a more in depth discussion of some of the assessments.

Mr. Howell commented that every year we have had the 5-year plan and that we always wind up having a hard time on year 3 or 4 and have to have the discussion that the revenues aren't there for projected growth. He feels that 5 years might be over doing it and suggested that 3 years might be better.

Mr. MacAskill stated that he would like to hear from the Finance Director. While he feels that the 5-year plan was useless, Mr. MacAskill does still want to do some forecasting for the future.

Mr. McManus stated that it is true that in the later portion of the 5-year plan, it does look like the town is running into trouble. He has never known any of the 5-year plans to show that the 1<sup>st</sup> and 2<sup>nd</sup> years are full of light. We have always made changes or accommodations in the earlier years to lessen the burden on what will happen in the next year.

Mr. Ford stated that he would be inclined to shrink it down to the 3-year plan, but would also like to hear from the Finance Director.

F. Review draft Board of Selectmen Budget Message Charter Section 9-2-2



Mr. Ballantine stated that the Board has talked at almost every meeting regarding the difficulties that we are seeing with the 5-year budget, even without COVID, adding that we need to be careful with expectations given decreased revenue.

Mr. MacAskill apologized for not doing so yet, but would like the opportunity to send Mr. Ballantine his comments. He thinks that a more responsible statement would be to bring a budget of no more than 2%. The Board should acknowledge that year 2 after the pandemic could be worse than year 1 and that the budget message needs to be stronger than it has even been.

Mr. McManus asked to have information regarding bonding for current projects fact checked with the Finance Director.

Mr. Howell stated that the Board really needs to hold the line at 2% with the budget but also needs to recognize that there are some lingering items that will be greater than the 2 ½ number.

Mr. McManus stated that in the coming year, the Board should look to keep current with the capital items, especially the ones relating to maintenance or repair of existing capital stock.

Mr. Chorey asked if there is an estimate of what projected capital items are for next year. Mr. Powers responded that the requested information will be coming in the next month and that he has a meeting scheduled with the Capital Outlay Chair.

#### G. Discussion – Board of Health Sewer Regulation Amendments

Mr. Ballantine stated that 2 years ago, the Board of health voted to allow for homeowners to have 2 years to connect into the sewer from when they receive their order letter. The thought behind the vote was that given the limited number of contractors and the amount of work, it might be difficult to comply with the 1 year deadline. While the Board of Health took that action, the Selectmen never took the time to have a reaction to see if they would be amenable to going along with the decision. The Board of Health also recommends that a Registered Sanitarian be able to design the connection, but that we are still tied into the Chatham Inter Municipal Agreement. So far, Chatham has refused to amend the agreement.

While Mr. Howell understands that Chatham has specific language in their contract, he is not sure why they can dictate who does the sewer work in Harwich.

Mr. Ballantine suggested taking action and waiting to see what Chatham's reaction might be.

Mr. McManus commented that he is not sure why we would require anything more than a plumber to make the connections.

Mr. MacAskill gave his support in allowing the homeowners 2 years to connect. He asked if we have any idea what a 2-year connection timeline would cost and what our obligation is to pay Chatham every year, wondering if we would be putting ourselves in a whole by allowing 2 years. Mr. Ballantine responded that he is not sure that it would make a difference but that he could get more information and report back.

Mr. Howell feels that there doesn't seem to be any process in allowing for an extra year. While it is a commendable thought to give people more time, Mr. Howell doesn't see that it is based on any real hardship. Mr. Ballantine responded that the decision was based on the assumption that there would not be enough contractors to get the connections done in the 1-year timeline. Mr. Howell requested to see additional information.

Mr. MacAskill would like to have an idea of how many houses are anticipated to hook up.

#### H. Vote to approve Board of Selectmen Minutes

Board of Selectmen

October 5, 2020

Mr. Powers noted that November 5, 2019 should really be November 4, 2019.

1. November 5, 2019

**Mr. MacAskill moved to approve the minutes of the November 4, 2019 meeting, 2<sup>nd</sup> by Mr. Howell. The vote was 5-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell, Mr. McManus & Mr. Ford all voting aye by roll call.**

2. November 12, 2019

**Mr. MacAskill moved to approve the minutes of the November 12, 2019 meeting, 2<sup>nd</sup> by Mr. Howell. The vote was 5-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell, Mr. McManus & Mr. Ford all voting aye by roll call.**

3. November 18, 2019

**Mr. MacAskill moved to approve the minutes of the November 18, 2019 meeting as amended, 2<sup>nd</sup> by Mr. Howell. The vote was 5-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell, Mr. McManus & Mr. Ford all voting aye by roll call.**

4. November 25, 2019

**Mr. MacAskill moved to approve the minutes of the November 25, 2019 meeting, 2<sup>nd</sup> by Mr. Howell. The vote was 5-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell, Mr. McManus & Mr. Ford all voting aye by roll call.**

1. Discussion and possible vote on the goals and objectives for the Interim Town Administrator

Mr. Ballantine thanked Mr. Ford for working on this. Mr. Powers thanked Mr. Ford as well, adding that this is a tool that is familiar to him and is very well laid out as to how the goals are developed.

Mr. Powers explained how he wants to incorporate the Board of Selectmen draft goals and that he had some initial questions. Each of the goals that the Board sees comes out of the profile that was used for the search of the Town Administrator.

The Board and Mr. Powers had a back and forth discussion on the draft goals as presented in the packet.

Mr. MacAskill suggested that any Board comments be sent to Mr. Ballantine. He can revise the document and send it back to the Board for further review.

Mr. Ford stated that the intent behind the policy or objectives is to drive what the individual is supposed to accomplish.

Mr. McManus said that some of the goals and objectives will also define what some of our committees do. He added the term tax rate is used in correctly and that it should be tax levy.

Mr. Howell commented that the Board cannot give the Town Administrator a goal that the Board doesn't have. Mr. Ballantine agreed. Mr. Powers added that he would find it helpful that when the Board finishes outlining their goals for the year, that they are tied back into his goal document. He would not object to an additional week to work on this.

The board went on to have a brief discussion on the goals and deliverables and performance rating.

- J. Discussion and possible vote to establish the Town of Harwich delegation to the Cape Cod Climate Action Plan Stakeholders meeting – October 14, 2020

Mr. Powers reviewed the request that is being made.

**Mr. MacAskill moved to nominate Ed McManus as Town of Harwich delegation to the Cape Cod Climate Action Plan Stakeholders meeting to be held on October 14, 2020, 2<sup>nd</sup> by Mr. Howell. The vote was 5-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell, Mr. McManus & Mr. Ford all voting aye by roll call.**

- K. Discussion and Possible Vote on the Cape Light Compact Municipal Power Supply Request for Proposal

Mr. Powers reviewed the request that is being made, adding that he does not see a downside to moving forward. This would be an effort for someone to represent the Town in the RFP process and that there is always the option to bow out.

Mr. Howell questioned to what extent are we pre-obligating ourselves.

**Mr. McManus moved that the Board of Selectmen agree to be part of the process for the Cape Light Compact Municipal Power Supply request for proposal that authority the Chair and Town Administration to sign the document, 2<sup>nd</sup> by Mr. Howell. The vote was 3-1-1 with Mr. Ford, Mr. Ballantine and Mr. McManus voting aye, Mr. MacAskill voting nay and Mr. Howell abstaining.**

### **OLD BUSINESS**

- A. Affirm the contract for the Finance Director/Town Accountant
- B. Affirm the contract for the Chief of Police

No action was taken.

### **CONTRACTS**

Mr. Powers noted that his cover letter is not present in the packet. Mr. Howell urged that no matter when the contracts are approved, that there be a contract approval in writing for the file.

- A. Discussion and possible vote for the Board of Selectmen to execute a contract with T.W. Nickerson for brush grinding at the Transfer Station - \$29,500

**Mr. MacAskill moved to execute a contract with T.W. Nickerson for brush grinding at the Transfer Station in the amount of \$29,500, 2<sup>nd</sup> by Mr. Ford. The vote was 5-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell, Mr. McManus & Mr. Ford all voting aye by roll call.**

- B. Discussion and possible vote for the Board of Selectmen to execute a contract with Rotary Lift for the purchase of a Mobile Lift System - \$73,624.91

**Mr. MacAskill moved to execute a contract with Rotary Lift for the purchase of a mobile lift system in the amount of \$73,624.91, 2<sup>nd</sup> by r. Ford. The vote was 5-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell, Mr. McManus & Mr. Ford all voting aye by roll call.**

- C. Discussion and possible consent vote to support the Golf Course Maintenance Equipment Lease for approximately \$96,681.08

**Mr. MacAskill moved to support the Golf Course Maintenance Equipment Lease for approximately \$96,681.08, 2<sup>nd</sup> by Mr. Howell. The vote was 5-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell, Mr. McManus & Mr. Ford all voting aye by roll call.**

- D. Discussion and possible consent vote to support the Sewer Construction Phase 2 Contract 1 Robert B. Our request for change 015R2 for approximately \$90,939.53

**Mr. MacAskill moved to support the Sewer Construction Phase 2 Contract 1 Robert B. Our request for change 015R2 for approximately \$90,939.53, 2<sup>nd</sup> by Mr. Howell. The vote was 5-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell, Mr. McManus & Mr. Ford all voting aye by roll call.**

- E. Discussion and possible vote for Catch Basin Replacement and Drainage Infrastructure Installation (Unit Price Work) Contract Extension for one year - \$394,200 Expiring October 1, 2021

**Mr. MacAskill moved to approve the Catch Basin Replacement and Drainage Infrastructure Installation (Unit Price Work) Contract Extension for one year - \$394,200 expiring October 1, 2021. The vote was 5-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell, Mr. McManus & Mr. Ford all voting aye by roll call.**

### **TOWN ADMINISTRATOR'S REPORT**

Mr. Powers reviewed the information he found regarding the West Harwich School House. The information was found from a 2017 Town Meeting article. He added that DPW will be taking measures to put a temporary repair on the roof.

Mr. MacAskill requested a discussion/agenda item for further discussion on this.

Mr. Powers reported that there is a new Executive Assistant in the Building Department. He also reported that the Town Clerk has also filled the Executive Assistant position in her office. The DPW is bringing in a tractor trailer operator and the Water Department will be hiring a water technician.

### **SELECTMEN'S REPORT**

Mr. Howell reported that there is going to be a virtual meeting on Wednesday afternoon for the Barnstable County Waste Water Management Board.

### **ADJOURN**

**Mr. MacAskill moved to adjourn the meeting of the Board of Selectmen, 2<sup>nd</sup> by Mr. Howell. The vote was 5-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell, Mr. McManus & Mr. Ford all voting aye by roll call.**

Respectfully submitted,  
Jennifer Clarke  
Recording Secretary

Board of Selectmen  
October 5, 2020