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2022 APR 26 P 12:03

MINUTES  
SELECTMEN'S MEETING  
TOWN HALL  
GRIFFIN ROOM  
MONDAY, OCTOBER 25, 2021  
5:45 PM EXECUTIVE SESSION  
6:30 PM REGULAR MEETING  
REMOTE PARTICIPATION OPTIONAL

RELEASED

APPROVED

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

**ALSO PARTICIPATING:** Town Administrator Joseph F. Powers

**CALL TO ORDER:**

Chairman MacAskill opened the Board of Selectmen's meeting for October 25, 2021 at 5:45 PM. Ms. Anderson moved to enter into Executive Session, 2nd by Mr. Howell. Vote 5:0 in favor. Motion carried unanimously.

**EXECUTIVE SESSION**

- A. Pursuant to MGL c 30A s21(a) 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.
- B. To Review Status of Litigation Involving the town and strategy with respect thereto, the chair has determined that discussion of litigation matters in open session may have a detrimental effect on the litigation position of the town. The following cases will be discussed: Winston and Plunkett v. The Planning Board and the Royal Apartments, LLC et al.
- C. Pursuant to MGL c30A s21(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 public body; Joint Meeting of the Board of Selectmen with Recreation and Youth Commission

Mr. MacAskill reopened the Board of Selectmen's Meeting reporting that in Executive Session they discussed some union issues, a legal issue and land acquisition or sale. No decisions were made, they took things under advisement. He invited attendees to join him in the Pledge of Allegiance.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

Mr. MacAskill announced that they are able to have 6 foot distancing, masks can be removed and he invited people to move to different parts of the room if they'd be more comfortable.

October 25, 2021

Town Administrator Powers offered a reminder that the Town of Harwich on Tuesday, October 26th is conducting a free COVID-19 testing clinic. This clinic is intended for anyone who attended the Harwich Special Town Meeting and who wishes to be tested based on the fact that the town was aware of a symptomatic person being present. Close contacts were already informed. They relied on information from the symptomatic person and the individuals around that person and also matching up with video and the attendance sheets that were provided at Town Meeting. The clinic will be behind the Harwich Safety Building from 3:00 PM to 5:00 PM. They understand that the risks are low given the protective measures that everybody took at Town Meeting as well as the extraordinary measures through our Health Department.

Amy Usowski Conservation Administrator announced that Thursday, November 4, 2021 the Barnstable County Drill team is going to be having a search and rescue drill at Thompson's Field Conservation Area from 8:00 AM to 3:00 PM. It will be on the town of Harwich Face Book page as well as the Town of Harwich Police page and also posting it at the field.

Mr. Ballantine commented that they received an emailed message about one of the town's Firemen getting special recognition for saving a person in a burning car on Route 6 last year, Firefighter Josh Ford.

Carolyn Carey Community Center Director reminded everyone that Friday at 5:30 PM is the drive thru Halloween event. They have been fortunate to have donations from so many community members. It will be an exciting event and they look forward to having people come.

Jamie Goodwin announced that they are streaming live on ROKU and Apple TV officially and you can watch back episodes of Selectmen's Meetings, Conservation, and Counsel on Aging on both of those platforms. She and Caleb started a new initiative on the website, minutes can be seen on the town website and below is a link that will bring you to the audio and video file. You can read the minutes and watch along.

### **CONSENT AGENDA**

- A. Vote to approve Board of Selectmen Meeting Minutes - February 3, 2020
- B. Vote to approve an owner's Local Initiative Program Refinance Request for their home at 5 Stevens Way
- C. Vote to approve a Caleb Chase request in the amount of \$1,000.00
- D. Vote to approve a Caleb Chase Request in the Amount of \$1,000.00

Ms. Anderson moved to vote to approve the Consent Agenda as presented, 2nd by Mr. Howell. Vote 5:0 in favor. Motion carried unanimously.

### **NEW BUSINESS**

Town Administrator Powers commented that members have been asking for an update from the department heads that have a span of control over revolving funds. In anticipation of that our Finance Director reached out to the towns auditing firm of Powers and Sullivan for an audit report regarding the review of town revolving funds. The report is in the packet. There are no significant issues and it provides a recap of the purpose in Chapter 8 of the bylaws, spending

limit and past year's funds. The Division of Local Services Guideline Release 21-23. It was released in September and it relates to Departmental Revolving Funds. Both he and Carol Cappola Finance Director noticed, in the IGR page 7 which talks about reporting requirements. Both an Annual Report and a Town Clerk Reporting Appropriations talks about an element that they were not previously aware of. They will be taking appropriate steps in the future to comply. Under the IJR under Section 5 on page 7 under reporting requirements for annual report it says that a Board, Department or Officer having control of a Departmental Revolving Fund is required to submit an annual report on the operation of the fund. In a town this report must be submitted to the Annual Town Meeting and the Select Board. For each revolving fund the report must show #1-the total receipts and #2-total expenditures of the fund for the full prior fiscal year and for the first 6 months of the current fiscal year. Additional reporting requirements may be established by vote of Town Meeting. He explained that we have the annual article that talks about reaffirming the revolving funds and the second that talks about setting the spending limits, they will alert the moderator and have those reports referenced at Town Meeting which will put them in compliance. Under item C are the FY2022 First Quarter Departmental Revolving Fund Reports. The first quarter ended September 30th and within 15 days these reports are to be transmitted. He asked the department, in preparation for the deep dive discussion, to look at how their first quarter FY2022 Revolving Fund Report compared to the last quarter, also how the current FY quarter compare to the previous FY's same quarter.

- A. Discussion on Departmental Revolving Funds as Related to:
  - a. Independent Auditor Powers and Sullivan Report on the town's Revolving funds
  - b. Bureau of Municipal Finance Law Informational Guideline Release (IGR) nN.21-23September 2021 unrewarding Departmental Revolving Fund Reporting Requirements
  - c. Fiscal Year 2022 First Quarter Departmental Revolving Fund Reports

Mr. MacAskill commented that earlier in the year this was brought up and the Board agreed to withhold it until these reports came in.

Mr. Howell noted that it wasn't just about tracking the generic purpose of the account. With the prior administration there wasn't anyone looking at these invoices. It was intended as a way to have continuity and if the funds were needed they could spend it. It was not intended to get out from any understanding of what particularly was ordered. It was completely different from appropriated funds where there is oversight. There has to be an accounting each year, not just for equipment but also for all related details.

Ms. Anderson commented that she found it educational. It helped her to see the different funds. She found the suggestions on some the town's interesting and thought they'd want to look at those.

Ms. Kavanagh appreciated the information and also found it helpful. She stated that they got information in the past through presentations and she doesn't see any other questions.

Mr. Ballantine noted that we have over half a million in revolving funds and they'd all be more comfortable if it was incorporated into the normal procedure of accountability.

Jonathan Idman Planning Director noted that his memo spoke to 4 funds, 2 were grant funds. The Revolving Funds that are aligned with Planning are the Albro House Fund and the Sidewalk Fund. There were no expenditures last year out of either funds. There were input into both funds. The Sidewalk Fund is funded from in lieu fees from subdivisions. The Albro House is funded through rentals. He had suggested potential different management of those funds and he explained those ideas to get the funds where they need to go anywhere they would have the most benefit. He feels there is a good level of accountability associated with Revolving Funds.

Ms. Anderson asked if they need to take action on the recommendations that Mr. Idman made.

Town Administrator Powers recommendation would be that as they continue to develop the Warrant for the 2022 Annual Town Meeting, as they get to that article that would be the appropriate time. They could have discussion on the Article that has impact on Chapter 8 which is the bylaws and also on those comments and others they will hear tonight. He has a report for the ADA Revolving Fund which has never been utilized as originally intended.

Ms. Kavanagh commented that the Sidewalk Fund could be used for much needed sidewalks.

Amy Usowski Conservation Administrator reported on the Wetlands Revolving Account. Conservation Commissions are authorized under the State of Massachusetts to retain a portion of the filing fees in an account to better uphold the Wetlands Protection Act and she noted specifically how that money can be spent. One of the goals they have set is to better the old bog areas and Bells Neck. They have some quotes and will be working to procure those services. She reported their FY2021 balance of \$43,700.00 and FY2022 quarter the ending is \$55,650.00. They accrued on average between 8 and 9 thousand dollars per FY into that account.

Mr. Ballantine noted that they have shown they are cautious with money.

Mr. Howell commented that he appreciated her explanation but this is what he mean some of these are just generic, we started the year with this, we spent only the money for the purpose, we ended with that and there's nothing between. He is worried on a management basis that just because it's revolving rather than appropriated we should have exactly the same information available like we spent \$8,000.00 with this company to get this thing. More than just what was allowed.

Carolyn Carey Community Center Director reported that the Community Center Weight Room Fund, which was established in FY12 and has consistently been used to replace equipment 3-5 pieces at a time. She appreciated going through the report and agrees that it was a standard number that was put it. She created a detailed list of everything they have purchased. The equipment list includes when it will date out of the system. Membership fees are directly turned over, they have a 19 hour a week employee and a personal trainer. COVID effected the hours

they were open and so the numbers aren't as accurate and she would like to show. She noted that all purchases go through the Town Accountant's office.

Regarding the Revolving Fund at the Cultural Center, that report is providing information about the 41 classrooms/suites including 26 singles, 8 doubles, 1 triple, 2 current nonprofits and the town has an office there. There are 3 trailers, one currently being rented, 2 not rentable. This Revolving Fund brings in revenue from not only the studios but also the gym, auditorium, music room and library that are rented daily, weekly. It pays for a 19 hour a week custodian, office assistant and small supplies. The majority is donated or creatively borrowed.

Emily Mitchell Counsel on Aging Director reported that their Revolving Fund is used for programming, education, nutrition, health and wellness and recreation. It's largely been on hold for the last 18 or so months which is why she included the report from FY20. Since September they are almost at their pre-COVID capacity. Their biggest advantage is their responsiveness to seniors needs and to program instructors. They use the Revolving Fund to help when an instructor wants to teach a new class, advertising, putting signs ups etc. The revenue for that Fund come on the form of those program fees which are set by the instructors within the framework, it has to be below market rate. A small portion of those fees is deposited in the General Fund as revenue.

Carol Coppola Finance Director offered insight into the Powers and Sullivan Report which is the town's independent auditors. They take an intensive look at a few chosen departments, last year she asked for the Revolving Funds to be completed. She explained the previous administration's procedures which included more than just the numbers. The auditors returned a draft report which she had discussions with them about. Departments have been reporting to the Administration consistently on a quarterly basis. She thinks they should take the next step and bring it to the Board. It's useful to understand the purposes and uses of the Revolving Funds. She explained the MGLs that support how the funds are set up, expenditures etc. She will work with Administration to create a template for the Annual Town Meeting which will make sense so the all 12 of the Revolving Funds are being reported in the same manner.

Mr. Ballantine commented that the overall theme would be to understand how the Revolving Fund integrates into the normal budgets.

Ms. Coppola suggested they should be running internally some educational seminars on Revolving Funds, the information's vast coming from the Department of Revenue and the General Laws that support them.

Mr. Ballantine explained what he was looking for, if someone wanted to start a program and some of that may be funded through the Revolving Fund but this equipment may be funded through the General Fund to make sure it's happening. There's a way to integrate that together to fully understand.

Ms. Coppola replied that the programs that are being funded through the Revolving Funds are not supported from any other revenue source or appropriations. The Administrative or Executive Assistants that are processing the invoices must have them approved by the Department head and then the invoices go to the Finance Office to be reviewed.

Ms. Kavanagh questioned the 2018 issue with Rec., if it was a procurement issue. She also acknowledged the importance of the Revolving Funds and thinks they're doing a good job of tracking those funds.

Ms. Coppola replied that the SAT program which is run out of Recreation which the director was unaware of. And so it was drawing those funds and they made a correction as soon as it was identified.

Ms. Anderson appreciates the idea of a template and getting the math part of it on one format.

Mr. Howell comments that coming in to the discussion with the Town Administrator 4 years ago, he had concerns about who was responsible for signing and approving these purchases. He noted the \$50,000.00 spent on the pet burial ground before recognizing what was going on. This is why he wants to know and feels the town's people want know what the money is being spent on. He was also concerned that there seemed to be separate silos being built separating money and if there's money left over, the department keeps it. It's not that way with appropriations. It's heartening that they have the right to look at these things. The point he was trying to make is the accountability and the requirements for procurements and all the things that go with it don't change because of the nature of where the funds came from.

Ms. Coppola commented that the game changer in Harwich has been the Administration's no tolerance policy on procurement and that sets the bar for all the departments and it has been a significant improvement here.

Mr. Howell commented that it's a half a million dollars of money, it was never contemplated that way. It's all necessary but what you're getting and how you're getting it is just as important.

Town Administrator Powers stated that the 4 department heads that didn't present tonight could come back if the board would like. The last page of the audit report lists all the Revolving Funds, the missing ADA Revolving Fund falls to the responsibility of the Administrator. When he prepared to write his report he discovered there has never been any funds in that one. The ADA Revolving fund was created at the 2018 Special Town Meeting with a spending limit of \$25,000.00 and the revenue source was understood to be parking tickets related to handicapped parking violations. There was one parking ticket over the last 7 years for \$200.00. Neither he nor his predecessor had used it nor was he aware of it. He suggests that be revisited as it doesn't make sense to have in there. It is meant to fund interpreter services related to ADA compliance issues. Another ADA service was paid for by the Computer Coordinator's Budget.

Mr. MacAskill asked the Town Administrator about the next steps, if he is going to present to the Board as they get into Revolving Funds through budget, is that when the recommendations will be made for changes?

Town Administrator Powers replied that it's going to be the standalone articles first on re-codifying every year as we have to under the statute for the Revolving Funds with an eye

towards reevaluating those purposes. It's better to do that with the draft articles that will be coming forward.

Mr. MacAskill commented that a fair amount of the public has talked about Revolving Funds, building up balances and things that could be done a budget yearly. He asked if there had been discussion with department heads about taking out programs that are done all of the time and not doing them in a revolving fund but doing them as part of their budget. The Cultural Center shows an ending balance of \$300,000.00, not much money is being spent out of that account but a fair amount of money could be spent on that building. He questioned if they're going to spend tax money or that money.

Town Administrator Powers replied that he has not discussed it with this past year's budget effort but that is the appropriate course of action now. He and the Finance Director can incorporate that as they go through budget discussions. They will be reviewing operating requests, capital requests and community preservation. In the instance of 7 or 8 apartments they can add if the Revolving Fund should be added into the budget or not.

Mr. Howell commented that if you're accounting for volatility and you don't know how many "teams" the Revolving Funds made sense but if you have predictability with the process, the post of adding it into the budget is so that it gets scrutiny over the Finance Committee, the Board of Selectmen and the Town Meeting. If funds are building up they should be segued. It's taking half a million dollars off line that would be in the regular budget.

Mr. MacAskill asked the Board members if they're comfortable with the other four department heads coming back next week or if they are comfortable with the packet.

Mr. Ballantine is ok the written report. He agreed about integrating the Revolving Fund in to the General Fund.

Mr. MacAskill stated that when looking at Revolving Funds they should look at programs instead of putting more taxes on people. He clarified that they agree the written reports are okay for the Board members and the department heads do not need to come back. He mentioned the 2 trailers that were taken off line behind the Middle School and asked the Town Administrator for a report on what is going on with those and how we either get rid of them or fix them.

Ms. Carey noted that there are supplies in one of them. They can be moved but they cannot be rented.

B. Update and discussion with Town Planner on the Local comprehensive Plan (LCP) - planning committee ideas

Jonathan Idman Director of Planning and Community Development clarified that tonight they are not talking about the LCP but the LPC which is the Local Planning Committee. Mr. Idman feels the Board of Selectmen should be the appointing authority for the LPC which is advisory to the LCP. The Planning Board will take the update to Town Meeting for adoption. He also feels the committee's charge should be formalized and articulated in a mission statement and the



mission statement should be incorporated into an organizational document. He asked the Board to consider when to establish and appoint the LPC, before or after hiring the LPC consultant and he explained the advantages of both. He noted the member composition and what it should have. He suggests a committee of 9 or 11 people, whether it should favor coming from the community at large or ex-officio members or splitting the committee. He recommended against appointing staff to the committee. The organizational document should be prepared prior to or the commencement of the committee's LCP business so the committee doesn't have to work on that document but can step right in. He suggested that member selection criteria will be different if they favor ex-officio member verses members of the community. He feels specific criteria is necessary if there will be a good number of members at large. The criteria do not need to be too stringent, good members can come from any background. The solicitation for members should be on the website and in the Chronicle as well as including when responses would be due and when selections would be made. He feels the responses should include a CV and a narrative statement of interest.

Mr. Ballantine commented that it was a thorough memo, he favors more at large than ex-officio because he sees this as the primary mechanism to get public input. He wants people to feel this is wide open for discussion. He agreed with having the committee stay on, the recommendations and the document.

Ms. Kavanagh asked how long he thought it would take to get people in, if there are a lot of consultants out there or if they are hard to find.

Mr. Idman replied that he is on a list serve for planners in Massachusetts and there are a lot of solicitations for updates or LCP's that he finds are going unfilled. There is a lot of competition and it is relatively specialized work. There are some local consultants that do Cape Cod work. Regarding cost, there will be a "not to exceed" in the RFP.

Ms. Anderson asked when Mr. Idman needs the Board to make these selection to keep his part on track.

Mr. Idman replied that he'd rather they just think about it and he can discuss it as he finishes the RFP and then think about moving it to a release and procurement.

Mr. Howell agrees that having members of the committee be from the community at large is favorable. He suggested an alternate of sending sections of the draft to other committees.

Mr. MacAskill asked the Town Administrator how long ago this money was appropriated for LCP.

Town Administrator Powers replied that it was at least 2 Town Meetings ago, 2018.

Mr. MacAskill commented that his position is that they shouldn't talk about this a whole lot longer, it's time to get moving and he appreciates all Mr. Idman has done. He asked who would do the mission statement because that is an important piece for picking the LPC members. To whether the Board of Selectmen or the LPC should hire the consultant, he thinks elected body



along with staff should hire the consultant. He would like to supply as much information as Mr. Idman wants to get this going. They have an interview committee and he agrees they should do as much outreach as they possible can. He agrees that more at large is more important than ad hoc because they can always rely on the Boards we have now to come in and give their input. He doesn't see it taking 4 or 5 more meetings to get there. He asked the Town Administrator for direct questions and asks so the Board can start this process and get going. He feels on the RFP the Board of Selectmen or a subcommittee of the Board of Selectmen should be involved in picking the consultant and it shouldn't just be a staff decision.

Mr. Idman will provide the Board with a draft solicitation for members. The direction is to establish and impanel the subcommittee prior to or parallel to the RFP process for hiring the consultant.

C. Discussion and possible vote to hold a disciplinary hearing for alleged violations - Perks - 545 Route 28

Mr. Anderson moved to hold a disciplinary hearing for alleged violations - Perks - 545n Route 28, 2nd by Mr. Ballantine. Vote 5:0 in favor. Motion carried unanimously.

D. Discussion and possible vote to appoint the Town Administrator to be the Hearing Officer for disciplinary hearing for Perks.

Ms. Anderson moved to appoint the Town Administrator to be the Hearing Officer for disciplinary hearing for Perks, 2nd by Ms. Kavanagh. Vote 5:0 in favor. Motion carried unanimously.

E. Discussion and possible vote to approve gift to the town supporting the Crowell Barn landscaping plan.

Mr. MacAskill commented that they all have information and there is someone there to present or answer any questions. He asked the Board if they are ready to go to a motion or if they want the presentation first.

Ms. Anderson moved to approve gift to the town supporting the Crowell Barn landscaping plan, 2nd by Ms. Kavanagh. Vote 5:0 in favor. Motion carried unanimously.

David (last name not mentioned) showed some pictures of the work that had been done.

Town Administrator Powers thanked David, Linda, the Historical Society and Paul Doane who was the architect, for their time, dedication, resources and money. Also to have it in memory of Peg is a wonderful thing all around.

F. Discussion and possible vote to approve and sign the Fiscal Year 2022 Sewer Rate Relief Fund application

Ms. Anderson moved to approve and sign the Fiscal Year 2021 Sewer Rate Relief Fund application, 2nd by Mr. Howell. Vote 5:0 in favor. Motion carried unanimously.

G. Discussion and possible vote to approve and sign the grant agreement with Barnstable County on behalf of the Economic Developmental Counsel acting through the Cape Cod Commission license plate application.

Ms. Anderson moved to approve and sign the grant agreement with Barnstable County on behalf of the Economic Development Counsel acting through the Cape Cod Commission license plate application, 2nd by Mr. Howell. Vote 5:0 in favor. Motion carried unanimously.

H. The discussion and possible vote on the conveyance process to convey town lands under 2019 Annual Town Meeting Article 61 to the Affordable Housing Trust.

Town Administrator Powers explained that these are items that had been approved and are coming around for the Board's signatures. Item H, relates to a discussion that occurred today at the Affordable Housing Trust meeting. At a previous meeting the Trust had asked him to research and present back to the Trust, what they understood to be their inventory of properties under the care, custody, and control of the Affordable Housing Trust. All he came back with are the parcels they are familiar with now which are the 5 parcels that make up the Marceline Estate. He discovered a certified vote by the town on May 6, 2019 under Article 61. That vote then follows the spreadsheet provided and shows the 7 parcels that are for the Board of Selectmen to convey to the Affordable Housing Trust. The authority exists but the prior administration didn't take the next step. If the town intends on deeding these properties to the Affordable Housing Trust it had to come to the Board's attention. There should be discussion as the Albrow House was originally contemplated in this list. However that item "D" was excluded by the Town Meeting vote. It indicates the Board of Selectmen relinquishing the parcel of land upon which the old Recreation building and the area that's presently used by the Harwich Junior theater. The Assessor's property card presently shows that as being recreation land. He and Katie Klein from KP Law have been working for several weeks and she asked for the original vote of Town Meeting that deeded that property first to the Recreation Department. No such action was found. The chair of the Rec and Youth Commission feels that although they refer to that as the Rec building, the Rec Department has never understood that to be in their care, custody and control. The agenda item tonight allows the Board can vote to take care of those 7 parcels.

Mr. MacAskill commented that regarding the Rec building and the lease to the Harwich Junior Theater, that building is under the care, custody and control of the Board of Selectmen.

Town Administrator Powers commented regarding the motion, if it is the Board's intent to direct Administration to take necessary steps to create the deeds and record the deeds on behalf of the Trust for all the parcels as the vote of Town meeting occurred, they can do that.

Mr. Howell noted subtext. The Trust has been working for 2 years with the Junior Theater to have them continue to occupy the building and develop the site. They were surprised that they didn't have custody of the building so it's important that something happens pretty quickly. There were other properties they were going to take in but flip.

Mr. MacAskill noted that the Town Meeting action was clear and the land was given to the Trust at Town meeting for Affordable Housing Purposes just to build Affordable Housing.

Mr. Idman commented that they may want to understand a few land characteristics. A couple of the properties are heavily burdened by wetlands. All the property off Rte. 39 is a wellhead protection district in the town and adjacent to Water District land. He does not know why these are the candidates authorized to be conveyed.

Mr. MacAskill noted that it is understood that if the Affordable Trust does not use these lands for Affordable Housing purposes they are to give them back to the town.

Ms. Anderson noted that whatever the case, they need to convey them because they were told to do that 2 years ago.

Town Administrator Powers stated that he is an agent of the Executive Board so he will always say that Town meeting has authorized the Board if they chose to do it. Town Meeting can't compel the Board to convey these lands but he is looking for authorization to do it.

Ms. Anderson moved to authorize the Town Administrator to take the necessary steps to create the deeds and record the deeds on behalf of the Trust for all the parcels as the vote of Town Meeting occurred on May 6, 2019, 2nd by Mr. Ballantine. Vote 5:0 in favor. Motion carried unanimously.

Mr. MacAskill commented that this is happening a lot. He checked on a tax taking because a resident asked him about it, we did everything until we got to the goal line and we stopped. The tax collector found the paper in a file and the deed never had been recorded. Across the board with Town Meeting actions we are waiting and waiting. He is not blaming the Town Administrator but he is blaming Boards and in other cases staff. He asked how we get to a point where we are not bringing things up, Bank Street, West Harwich School, Willow Street, the list goes on and on. He suggested a check list. Someone had come up with a spreadsheet a long time ago from the DRI for the CWMP, it was an action checklist based with dates and when things got done. She got that passed through resistance from other Boards and the past Administrator. We have a lot of old things that we haven't done and he thinks this Board has done an exceptional job checking boxes. Town Meeting was an example of how they are operating now and the internal communication and the efforts that everyone is making. They still have Brooks Park Lighting, a lot of CPC articles, Judah Eldredge that continues to cost money every year in accruing interest. He asked that they talk about creating an action checklist so when they check a box, they actually check it and follow up so these surprises don't continue to happen. This surprise has cost enough time that these properties can't be flipped in a reasonable amount of time to aid in the Affordable Housing Crisis that they talk about every single week. They agenda it or get a census for the Town Administrator so they can start finishing what they haven't finished.

Town Administrator Powers thanked the membership of the Affordable Housing Trust because they were making a statement that was incorrect, laboring under the assumption that they had

been deeded and conveyed these properties. Getting the directive from them to give them the list, gave him a starting point. Unfortunately he found that it hadn't been done. His first response to what was just said was that whatever he has said since he was appointed, the actions that happen at Town Meeting are critically important. It's not just our budget or our laws, its action like this. At the conclusion of the Special Town Meeting last week he assembled the Administration team and they went through every one of those articles to review and act on the next steps. His pledge going forward is that, going through Town Meetings, Administration will immediately do a debrief on those Town Meetings and start parsing out the work to be done and tracking. He asked each Board member and to the general public, if anyone is aware of anything that has occurred in the past that hasn't been completed, let them know in Administration. Administration will immediately go through their due diligence and look for the warrant that may be in question. With regard to the Recreation building, the property card made reference to a date in 1995 so they went to that Town Meeting and found the original action. They found that Town Meeting gave that land to the Board of Selectmen. He is not sure why it was coded that way but if they're aware of it they can correct it. They need to take look at land conveyances and any other items that are coming up. Going forward there is a discipline in place so things won't fester as they have in the past.

Mr. Howell commented that it is particularly dispiriting about these properties. The same person who identified these properties was also the then chair of the Affordable Housing Trust and the Town Administrator and they were assured when that Town Meeting happened that they were under their control. They have been operating under that direct assumption for 2 years.

## **OLD BUSINESS**

A. Discussion and possible vote to approve the revised Monomoy regional agreement language as presented and request article be put on annual town meeting warrant.

Mr. Ballantine commented that regarding operating budgets, he asked for how that would look using last year's budget. When you look at the local contribution and the "not to exceed" contribution, foundations budgets etc. it's almost a discussion in the abstract. Before he moves on this, he would like to specifically understand how that works out. That could be easily done using last year's budget rather than a narrative. It's very complex and difficult to understand. He is reluctant to vote for anything that is too complex to follow. He wants to see the spreadsheet so it can applied to next year and the year after that.

Ms. Anderson commented that she thinks that document already exists. She believes it's a 500 or 600 thousand dollar swing in the improvement of our budget and to the detriment of Chatham. It was a spreadsheet with various formulas, not just one number.

Mr. MacAskill stated that he has requested that document from the School Committee chair and she said she could not get it for tonight but she will get it to the Board. He asked if there are any further questions from Board members so the next time they bring it back, they can vote on it.

Mr. Howell commented that there has to be an understanding doing this for both the Regional School Board and Chatham that this is only step one. This is not a durable solution since the demographic is changing.

Mr. MacAskill would like to have the information for the 2nd or 3rd week in November. He agrees that this is a long term problem but we have to get something on Town Meeting for this year. Last year's \$600,000.00 was a gift from Chatham, nothing was voted to change an agreement. We can designate a working group to start having conversations about the long term solution. If Chatham doesn't agree to regional changes we need the state to get involved to make those changes for us.

Mr. Ballantine stated that we need to worry about this Town Meeting now. The reason he would like to understand this is that they need a firm basis to start a long term discussion in the future.

Ms. Kavanagh feels there was a round 2 of a discussion with the elementary level by a committee in Chatham. She feels they shouldn't blend the two, there are other people who have spent the time and effort in what they are looking for in their town too.

Ms. Anderson felt the subcommittee was pretty open to the fact that we'd need future discussion for the middle school and the high school. There are districts that used an equalized property valuation. She asked Mr. MacAskill if he thinks the report is sufficient?

Mr. MacAskill replied that he thinks someone should be here to represent the school and the school committee.

B. Discussion and possible vote - Harwich Energy Committee to Harwich Utility and Climate Action Committee and update charge to reflect

Ms. Anderson moved to vote to approve the Harwich Energy Committee be changed to the Harwich Utility and Climate Action Committee and update charge to reflect, 2nd by Mr. Howell.

Ms. Kavanagh mentioned that she is the liaison to the energy Committee and she did try and go to the meeting but there was nobody here. She intended to have a conversation so she will reach out to the committee.

Mr. MacAskill noted that this adds 2 members and people will be able to apply that are interested in the climate part of this. He asked that staff send an email or notice to the committee members notifying them of their additional responsibilities and the new charge.

Mr. Howell suggested the website be updated to let people know about the changes.

Mr. MacAskill stated that next week there will be a vacancy list on the agenda for people to see.

Vote 5:0 in favor. Motion carried unanimously.

**CONTRACTS**

October 25, 2021

A. Discussion and possible vote to approve a contract with Musco Sports Lighting in the amount of \$183,642.00 for lights at Brooks Park

Ms. Anderson moved to vote the contract with Musco Sports Lighting as presented, 2nd by Mr. Howell. Vote 5:0 in favor. Motion carried unanimously.

B. Discussion and possible vote to approve a contract extension agreement with Robert B. Our Company for Catch Basin Replacement and Drainage Infrastructure Installation. Contract is for unit price work not to exceed \$394,200.00.

Ms. Anderson moved to approve the contract with Robert B. Our Company as presented, 2nd by Mr. Howell. Vote 5:0 in favor. Motion carried unanimously.

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

Town Administrator Powers noted a tremendous but for some heartbreaking result referring to the Monomoy Middle School kickball game vs Harwich/Chatham public safety.

**Audio not available from 1:47:56 through 1:49:51 when it resumed with Ms. Kavanagh speaking.**

### **SELECTMEN'S REPORT**

Ms. Kavanagh (mid-sentence)...donate \$20,000 to the Family Pantry of Cape Cod so it was a great feeling. It equates to 80,000 meals which is incredible. The pantry does a great job and it was a great event.

Mr. Ballantine - no report

Mr. MacAskill extended his thank you to everybody involved in Town Meeting noting specific people and their contributions. He included the Board and thanked them for their hard work. There was overwhelming support for the articles they brought forward which, in his mind means they educated people and are doing the right thing, not just spending money to spend money. They are moving in the right direction and the communication that this Board has with Administration and staff showed at this Town Meeting. He appreciates how much work each Board member did to get them to this point.

Ms. Anderson moved to adjourn, 2nd by Mr. Howell. Vote 5:0 in favor. Motion carried unanimously.

Respectfully submitted,  
Judith R. Moldstad  
Recording Secretary