

RECEIVED
TOWN CLERK
HARWICH, MA

MINUTES
SELECTMEN'S MEETING
TOWN HALL

RELEASED

2022 APR 26 P 12: 03

GRIFFIN ROOM
MONDAY, NOVEMBER 22, 2021
5:45 P.M. - EXECUTIVE SESSION
6:30 P.M. - REGULAR MEETING
REMOTE PARTICIPATION OPTIONAL

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 Meeting for November 22, 2021 at 5:45 PM. Ms. Anderson moved to enter into Executive Session, Seconded by Mr. Howell. Vote 5:0 in favor. Motion carried unanimously.

EXECUTIVE SESSION:

- A. Pursuant to MGL c30A section 21(a) (3) to discuss with respect to collective bargaining for all town unions if open session would have a detrimental effect on the town's bargaining position and the chair so declares.
- B. Executive Session pursuant to G.L.c30A, 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.

Chairman MacAskill opened the Regular Meeting following Executive Session where they discussed collective bargaining for all town unions and conducted contract negotiations with non-union personnel. Two decisions were made. They reached an agreement with the Memorandum of Understanding with the HEA and a Memorandum of Understanding with the SEIU. Mr. MacAskill asked some people to relocate to be 6 feet apart and invited attendees to join him in the Pledge of Allegiance.

PUBLIC COMMENTS/ANNOUNCEMENTS

No comments or announcements offered.

CONSENT AGENDA

- A. Vote to approve a Caleb Chase request in the amount of \$1,000.00

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

November 22, 2021

NEW BUSINESS

A. Update from Brian Scheld of the Harwich Fund.

Brian Scheld of the Harwich Fund explained that the Harwich Fund is a permanent endowment, it's part of the Cape Cod Foundation and it's set up to support the unmet needs of the Harwich community. Several concerned citizens have banded together and launched a program called Harwich Helping Harwich focusing on needs that were elevated during the pandemic. They support nonprofits that are supporting the Harwich community and granted over \$6,500.00 in the first 6 months and they will double that in 2021. He offered statistics regarding donors and the nonprofit that they support. They are hoping to expand and offer more services to the Council on Aging and other organizations. He asked for support for what they do because they are supporting Harwich and trying to grow this endowment. Handouts were provided and he noted harwichfund.org for anyone interested in signing up for the newsletter. He commented they are all change agents and working towards improving the quality of the community and to be a part of positive change. People can help with donations by reaching out to Mr. Scheld, his contact information is on the website. They can also contribute by helping expand the reach, joint fundraising and joint awareness. The more the awareness is raised, the more they grow the endowment and the more they identify programs and fulfill the need of helping back to the community.

Ms. Kavanagh commented on the wonderful job they are doing and she wants to help spread the word. She asked if they considered doing something that Chatham does with their Angel Fund and doing an ornament to help raise money.

Mr. Scheld replied yes, there are a number of things they have done with Chatham and they're always looking for ways to raise awareness.

Mr. Ballantine also thanked Mr. Scheld for all the efforts as did Ms. Anderson and Mr. Howell.

Mr. MacAskill asked the Town Administrator Powers if it could be put on the town's website.

B. Annual Committee Meetings a. Harwich Cultural Council

Bernadette Waystack Chair of the Harwich Cultural Council submitted a report to the Selectmen and asked if there are any questions.

Mr. Howell commented that it's important that they keep doing the work they're doing because it's an extremely important committee.

Ms. Anderson commented that was a great report with a lot of information and she thanked Ms. Waystack.

Ms. Waystack replied that Tina Gaines was a great asset and taught her everything she knows.

Ms. Kavanagh reiterated what was said and added that Ms. Waystack is a great asset to the committee.

Mr. Ballantine appreciated that comments about Ms. Gaines. He stated that he feels it would be great for the town to consider hiring a part-time employee or working with another town to hire a grant writer and noted his reasons. He would like to bring it up on a future agenda to discuss how they can centralize keeping track of grants and writing grants.

Ms. Waystack agreed. Writing grants is a skill and at one point there was a member of town staff who took on grant writing. It does make a difference.

b. Finance Committee

John Chorey Chair of the Finance Committee endorsed Mr. Ballantine's suggested regarding the grant writing and feels it's a position that is needed in this town. The Board has his report but he noted points for the community. He read the first paragraph which describes the Finance Committee's responsibilities. He emphasized that the Finance Committee in Harwich does not build the budgets that is the job of the Town Administrator and the Selectmen. He briefly went over what was included in his report.

Mr. Howell verified that the charter calls for a certain number of meetings to be attended by the moderator and he asked if that has been happening.

Mr. Chorey replied that the moderator has not been attending regular meetings and he believes the charter says he is required to attend 3 in the course of a year.

Ms. Anderson commented that there were a couple of pages in the packet she really liked on the uncollected property taxes. She had asked Ms. Coppola the Finance Director to generate monthly reports that would give them a look at each number to see if there are changes.

Mr. Chorey noted 3 topics he would like to highlight, the uncollected property taxes, the unspent warrant articles and a plan on the continued use of the Cultural Center. He noted that there is progress on both the uncollected taxes and unspent warrant articles. Also, we are 3-4 years into a 5 year plan with the Cultural plan. Neither he nor the Finance Committee has seen a plan and they would like to see one with clear goals and objectives. He added that in the FY2023 budget there is a request for \$230,000.00 for the Cultural Center for generators and boilers. Also in FY2025 there is a request for \$200,000.00 windows and the same in FY2026. He included some excel spreadsheets in his report on the uncollected property taxes and the unspent warrant articles and he would like to post those numbers on the website.

Mr. Ballantine commented he would like feedback on how labor intensive a monthly spreadsheet is, quarterly reports would be as useful and less labor intensive.

Mr. Chorey agreed, it's helpful to have something we can see and then have suggestions and ideas.

Mr. MacAskill asked that the Town Administrator review Mr. Chorey's request, talk to staff and to figure out a schedule that works for them and Administration.

Town Administrator Powers noted the progress with the unpaid taxes and unspent warrant articles. To the Cultural Center, it is in the 3rd of 5 years if the 2 year extension is included. If added together it's the 5th of 7 years. He has told Capital Outlay that there will be more discussion regarding the Cultural Center and then coming back to the Board of Selectmen.

Mr. MacAskill noted that on everything that Mr. Chorey brought up, those are things the Board is actively working on. When they talk about budgets this year, they will talk about paying for the Cultural Center's capital items. They will be doing a deep dive into the Cultural Center to see what the revenue was and what other space they can use.

C. Presentation of the current financial assessment of the town in preparation for the Annual 2022 Town Meeting.

Town Administrator Powers highlighted 2 recommended actions that they can use to give him directive on FY2022 Budget specifically to start with the operating budgets. He noted that the town is currently on track for revenue assumptions. He recommended that the Board direct salaries and wages be established during the budget process session at present base levels, and explained his reasoning. They are anticipating "head winds" such as debts from prior years that are coming to fruition relating to phase 2 of the CWMP, the Cape Cod Municipal Health Group and an increase on insurance rates of approximately 6%, The Cape Cod Regional Technical High School is attracting more Harwich students which means the assessment is going up and external impacts. He recommends developing a policy statement based on level funding on base salaries and level fund on expenses.

D. Discussion and possible vote on the development of a general policy statement to guide the Town Administrator in developing the budget requests for Fiscal Year 2023

Mr. MacAskill will attempt to write that statement and bring it back for the Board's vote next week. He also suggested they vote what the Town Administrator recommended.

Mr. Howell moved to accept the Town Administrator's recommendation as the policy, 2nd by Ms. Anderson. Vote 5:0 in favor. Motion carried unanimously.

E. Discussion and possible vote to support the amendments to Section VII and Section IX of the Monomoy Regional School District Agreement

Mr. MacAskill noted that this was discussed last week and this was separated out. It is the financial piece on the Elementary School and the changes in formula.

Ms. Anderson moved to vote to support proposed amendments to Section IV and Section IX of the Monomoy Regional School District Agreement and to put them in the spring Warrant, 2nd by Ms. Kavanagh.

Town Administrator Powers noted that if the Board goes forward with that motion, there are other changes being contemplated to the agreement and there will be a January 4, 2022 public hearing on that discussion.

Vote 5:0 in favor. Motion carried unanimously.

F. Discussion and possible vote to approve the proposed draft proclamation for the 8th Grade Blue Team D-block Civics class Project Citizen with Rob Mador of Bridges for the Fallen.

Ms. Anderson moved to vote to approve the proposed draft proclamation for the 8th Grade Blue Team D-block Civics class Project Citizen with Rob Mador of Bridges for the Fallen, 2nd by Mr. Howell. Vote 5:0 in favor. Motion carried unanimously.

G. Discussion and possible vote to approve the private plow rate change as recommended by the Town Administrator.

Ms. Anderson moved to vote to approve the private plow rate change as recommended by the Town Administrator, 2nd by Mr. Howell.

Lincoln Hooper DPW Director commented that there are about 200 miles of public and private roads in Harwich and it would be impossible for staff alone to clear those roads in anything acceptable as a time frame. They rely heavily on private contractors.

Town Administrator Powers noted that this is a great example of costs going up and the town needs to remain competitive to ensure the roads remain safe.

Vote 5:0 in favor. Motion carried unanimously.

H. Discussion and possible vote to approve the event application for Christmas in Harwich - December 3, 4, and 5, 2021 - *Pending Building Department Approval*.

Mr. MacAskill noted that a Building Department approval is not necessary.

Ms. Anderson moved to vote to approve the event application for Christmas in Harwich - December 3, 4, and 5, 2021, 2nd by Mr. Howell.

Cindy Williams Director of the Chamber of Commerce commented that they are happy to bring back the annual Christmas in Harwich weekend and she described the events and who will be participating. This is done in conjunction with the Pilgrim Masonic Lodge. The events will be posted on social media and on their website. They will have the Festival of Trees to support the Family Pantry. Any of the events she mentioned are covered by their insurance.

All Board members expressed their thanks and appreciation for all that Ms. Williams and the Chamber have done.

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Vote 5:0 in favor. Motion carried unanimously.

I. Discussion and possible vote to authorize the Chair to sign the Recycling Dividends Program grant in the amount of \$9,900.00

Mr. Anderson moved to vote to authorize the Chair to sign the Recycling Dividends Program grant in the amount of \$9,900.00, 2nd by Mr. Howell.

Town Administrator Powers noted that his name is on the materials in the packet but it had to do with the DPW Director and his staff.

Mr. Ballantine asked how the money is used.

Lincoln Hooper DPW Director noted that the program took a hit when the Swap Shop wasn't open. This is money that is given to the town in advance and they are obligated to track it. The last thing purchased with this money was their portion of the step grinder. They've also purchased a roll off container for the recycling center.

Vote 5:0 in favor. Motion carried unanimously.

J. Update from the Town Administrator in regards to the tax liability working group.

Town Administrator Powers reported that he is working with various staff members to get a working group together. They have been working with PK on the classification material that was presented and working with the assessing database company PK Associates to dive into more of the classified lands. They have a list of potentially developable land. He will be presenting to the entire Board recommendations that can be established as policies so this tax liability doesn't happen again in the future.

Mr. MacAskill commented that this has been talked about many times, getting proposals or hiring a tax title examiner which is not in the budget. This is an effort to put a packet together that can go to Town Meeting and to identify how much money is needed in the budget to get the tax title examiner, lawyers, how many properties they want to go after. If you dive into the report from the Tax Collector, at least 1.6 million of the money that is owe is related to owners unknown. Out of the 6.694 million dollars, over 4 million is interest and fees. On some properties, they owe over 400% of what the land is worth. In order for this to go beyond the Board, he believes they need a policy and a funding source to make it happen.

Mr. Howell asked if someone stepped forward and said they had an interest in a property, would they have to pay the back taxes to take control of the land again?

Mr. MacAskill replied that and also any fees associated with the board clearing up the land would be the owner's obligation.

Mr. Ballantine asked how many years the town can collect back taxes.

Mr. MacAskill replied that if they have not been sending tax bills, it is 2 years. He asked the Town Administrator to get information as to the different groups of property and how they might be taken. He is hoping they go to Town Meeting with a global eminent domain taking on all of the miscellaneous and fractional pieces of land. He also noted the sand pit which over 50 acres of combined land and is occasionally leased to construction companies. It will ultimately be sold. It's time to look at large tracks of land that people claim they own that they may not have full title on, it's time for the town to make a decision on what's best for the entire town. He added that they should add someone from real estate and open space as they start talking about potentially buildable and developable land. The first action is to identify where every piece of land is and making sure there's a map and parcel number.

Ms. Kavanagh commented that she doesn't understand how anything without a map and parcel has any activity.

Mr. MacAskill replied that the Planning Board has approved the development but there is still no map and parcel number. He will share or ask the Administration to share with the Board the email from Jon Idman back to the Assistant Town Administrator about the questions he had asked. They are still diving into it.

OLD BUSINESS

A. Updates from the Town Administrator:

1. Bells Neck Road
2. 203 Bank Street
3. 0 Seth Whitefield Road
4. 77 Willow Street
5. Pleasant Lake Avenue Project
6. 276 Queen Anne Road

Mr. MacAskill spoke regarding Bells neck Road. He spoke with the people who responded to the RFP. Per procurement laws, \$35,000 is the minimum, the bid was \$1 and they pledged \$20,000 of their own money to fix the roof on what would be their building. The net to the town was \$1 with an historic preservation on the building and a promise they wouldn't come back to CPC for money to fix the building. The recommendation from the Town Administrator was to reject the bid because it didn't meet the minimum but the Board could do what the Board wanted to do. They chose to have a meeting and since that meeting the respondents to the RFP have backed out. He feels Town Meeting gave them the authorization to sell the building, not give it away. He does not support accepting the RFP and they are not willing to budge.

Town Administrator Powers added that the provider for insurance on town's vacant buildings informed him that if the town doesn't take certain measures, they will no longer insure it. We want coverage on that building for minimal coverage and protection but to do so he will be asking the Board to rely upon the \$50,000 from Capital to make those minimal repairs.

Mr. Howell noted that the \$1 doesn't bother him if they're taking full control. He would like to preserve it and didn't think the offer was unreasonable. He pointed out that they didn't withdraw

the \$1 offer, they withdrew the negotiated higher offer. He would like to discuss that with counsel. He would accept the \$1 bid.

Mr. MacAskill noted that as they continue conversation tonight, they could vote to reject the offer and move on.

Ms. Anderson noted that it had been looked at as the potential for 4 apartments and asked if they could go back to that and put an RFP out for someone to develop and make 4 apartments.

Town Administrator Powers replied that they have to submit certain RFPs to the state to go into their state wide publication.

Mr. MacAskill noted that because it's real estate they should pay the fee to have it listed in MLS.

Ms. Kavanagh commented that it is beautiful building but the amount of money that would have to be spend just to insure it plus the insurance is a lot and then still not know if anyone is going to do anything beyond \$1. She feels something should be done now and not later.

Mr. Ballantine agrees, this has been discussed a long time and this offer will at least take it off the books. He is reluctant to spend money to keep it insured. He would take the \$1 and move on.

Mr. MacAskill noted that they could reject the \$1 and put it back on the market without doing the historical renovation and limiting it to a 1 group. Real estate on Cape Cod is going to sell for a lot more money and Town Meeting did not tell the Board they could give the building away.

Mr. Ballantine replied that the RFP was broad so someone could take it as real estate, the limitation has been broaden but still keeps it as an historical building. If it's sold as real estate someone could knock it down and that's not what their instructions were form Town Meeting.

Mr. MacAskill clarified that it was the preference at Town Meeting to keep it historical, the motion was that they can sell that building. They have not gone into MLS and tried to sell that as real estate.

Mr. Ballantine want to move this down the road. It could be sold for more but he doesn't want to sit on it any longer and he'll take the \$1.

Mr. MacAskill asked for a motion to reject the proposal or the respondent to the RFP.

Town Administrator Powers stated that the agenda topic is for update only. There is no notice for a vote.

Mr. MacAskill will bring this back next week and his intention is to get a motion to reject and if not, a motion to accept, one of the two. He will reread the respondents email to clarify that they have withdrawn the bid.

Mr. Ballantine asked to clarify that the motion didn't specify historical aspect.

Town Administrator Powers updated that 203 Bank Street is 4 parcels in and around 203 Bank Street. The parcel that contains the building is just under 1/4 acre. To ascertain the value of that part of the property they will need an appraisal. They are trying to find survey services. The total value of all 4 parcels is \$565,000.

Mr. MacAskill clarified that if this goes out to bid and it's under the \$565,000, it would be unacceptable due to the procurement law.

Town Administrator Powers noted that the argument could be made that the town is not getting the true value. It's prudent to get the survey that talks about the value of that one parcel. It is expected to be lower than \$565,000 which will give a better sense of what could come in for proposals. The town is reaching out to several appraisers for that property and Pleasant Lake Avenue.

Mr. Ballantine asked what happens to the value of the other 3 parcels.

Town Administrator Powers replied that the town could look at that as one parcel but the value is derived from that one parcel. They could all be conveyed at once but the value is derived from the parcel that has the building.

Mr. Ballantine commented that it seems they would be selling all four for the price of one and questioned how the town could get the value of the other 3.

Mr. MacAskill clarified that the other 3 are not buildable lots, they are wetlands.

Town Administrator Powers noted that in prior discussions it was decided to not tear the building down and the town should focus on the parcel that contains the building as the prime source of the value of the land and go forward on that. He can rely upon the minutes from that meeting for the Board to have a future discussion. He is trying to move the action forward on these parcels.

Ms. Kavanagh commented that the reason they were looking for the value of the parcel holding the building was because the abutting properties are wetlands and there'll be buffer zones everywhere. There is no survey that says how much buildable upland is there for that parcel, only combined.

Mr. MacAskill noted that they are getting an appraisal for the land with an old building on it and the use therein. The appraisal they have is if the building had been torn down and it would have been level and clean. The appraisal for the \$500 and change included the town spending the money in the article to do the mitigation on the hazardous material, demoing the building and making the lot flush.

Town Administrator Powers replied, that is correct. The presentation to the Board was to say that there are 4 parcels available, there is a building on it and what should be the next steps. The town can rely upon the value of those parcels as determined by the present property cards of the Assessor but that's when the Board was talking about the parcels without the building. What the

Board said was to focus on the 4 parcels and do not destroy the building. Now the town needs to look at what that focal point is worth. The town needs to demonstrate to the Inspector General and Auditors how the town derived the value of that parcel. We have to rely on a professional appraisal rather than the priority cards for all 4. Once the appraiser is under contract he will come back to the Board and discuss how they want the appraiser to look at it so it will be at a public meeting handout for public view. Katie Klein from KP Law stated that their tax examiner said it's still too cloudy for them to come to any discernment so they recommend survey. He is reaching out to the 3 surveyors that counsel recommended and he will come back with how much and how soon.

Mr. MacAskill noted that time is of the essence as CPC is breathing down their necks because they gave an appropriation. This property goes up every year because of the tax, the fees and the interest associated with it. The appropriation is probably already not enough.

Town Administrator Powers noted that there is a typo on the agenda, it's actually 70 Willow Street. At the recommendation of Planning and Community Development and one he endorses, it's better for the town to have full clean title to the property. Of all the efforts over the last 20 years, none achieved clean title for the town. He recommends that before they go to RFP, he continue to work with the planner and other parties so the town can get clean title and that is eminent domain taking. It would have to go to Town Meeting. It has been suggested to him that if the town didn't have clean title and attempted to sell this, any future purchaser is going to demand that the town demonstrate clean title.

Mr. MacAskill asked Town Administrator Powers if it could be on the agenda next week for eminent domain taking and article for Town Meeting.

Town Administrator Powers commented that they are looking to get a different appraiser for the Marceline Property to see that the appraisal that was presented to Town meeting is in fact that high or more accurate as the town believes. It should be a lower appraisal.

Mr. MacAskill noted that they have talked about this for 4 months and still not anywhere further because they can't find appraisers and people to do the work.

Town Administrator Powers added the 276 Queen Anne Road since they have been talking about surplus properties. The Wastewater Department was contemplating if they would need to rely upon 276 Queen Anne if they had to move their location. They had an open discussion at an open meeting and determined they do not see a need or a use. It is now generally understood to be surplus because there is zero municipal use presently. However, he does not believe that the Board, through Town Meeting, has an explicit directive that they may dispose of the land by sale. If that is the case he will create an article for the next Town Meeting that authorizes the Board to dispose of the land by sale as authorized by Town Meeting.

Mr. Howell commented that there is a pitiful amount of commercially zoned property in this town compared to others. He would love to see that go to somebody who is actually going to employ people and pay taxes. That's the industrial zone and that's what it's supposed to be.

Ms. Kavanagh asked if some of the land or a portion was not buildable.

Mr. Ballantine stated that it is all buildable. He is in favor of putting it back soon the warrant article to sell it.

Mr. MacAskill asked the Town Administrator to put it on next week's agenda for discussion and possible vote.

Town Administrator Powers noted an update, Attorney Klein from KP Law has provided a draft deed document for the Board to consider next week. There were 6 parcels and they have information so next week the Board could vote to convey 5 of the 6 parcels. The 6th one has restrictions and counsel is trying to vet what the net effect of that would be before the conveyance could go forward. He will have something ready for next week so the Board can vote to convey those lands to the trust.

Mr. Howell asked that Sisson Road be on the agenda next week.

B. Update, discussion and possible vote on 2022 Community Preservation Committee (CPC) application - H3 Beautify Harwich Center

Town Administrator Powers asked the Board to allow him to rescind that application for the 2022 Annual Town Meeting vote. He had a low turnout when he tried to meet with stakeholders. He worked with CPC and Historic District and tried to refine it to an area around Exchange Park which is the domain of the Recreation and Youth Commission. The Board can accomplish things that are in the Capital Plan so there will be activity and movement related to beautifying Harwich Center but the original effort to bring lanterns and planters into the center will not work because they do not have the infrastructure in place for the lanterns.

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

CONTRACTS

A. Discussion and possible vote to approve a contract with Motorola Solutions for \$177,400.90 for the purchase of portable radios for the police and fire departments.

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

Police Chief Guillemette thanked Fire Chief David LeBlanc, Deputy Chief Thornton and Deputy Chief Considine for all their efforts in acquiring the radios which will be a great asset to the town. Because the state is mandating the change from analogue to digital they provided funding and saved the town a lot of money.

Town Administrator Powers clarified that after state funding and grants the total the town paid was \$26,527.11.

B. Discussion and possible vote to approve the agreement for professional engineering services for Comprehensive Wastewater Management Plan (CWMP) Revisions by GHD for \$229,000.00

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

C. Discussion and possible vote to approve the agreement for professional engineering services for Route 28 Sewer Main Design by GHD for \$192,546.00

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

TOWN ADMINISTRATOR'S REPORT

The missing items from last week's contracts are included in the report which are on the procurement checklist for the contracts approved last week by the Board. He wished everyone a happy Thanksgiving holiday.

SELECTMEN'S REPORT

No reports offered.

Mr. MacAskill asked, regarding the Tax Collector's report, departmental turnovers FY2022, 1.6 million, FY2021 4.2 million, if there is an explanation for the gap.

Town Administrator Powers replied that he will follow up and get information to the Board.

CORRESPONDENCE

No correspondence referenced.

ADJOURNMENT

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

Respectfully submitted,

Judith R. Moldstad
Recording Secretary

November 22, 2021