



APPROVED  
RELEASED

MINUTES  
HARWICH BOARD OF SELECTMEN  
Executive Session 6:00 P.M.  
Regular Meeting 6:30 P.M.  
Monday, November 23, 2020  
REMOTE PARTICIPATION ONLY

**SELECTMEN PARTICIPATING:** Larry Ballantine, Michael MacAskill, Ed McManus, Donald Howell & Stephen Ford. Mr. Ford was present remotely.

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

**CALL TO ORDER**

Mr. Ballantine called the meeting to order at 6:00 p.m. beginning with Executive Session.

**EXECUTIVE SESSION**

- A. Pursuant to M.G.L. c. 30A section 21 (a) 3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares; Any and all collective bargaining associations within the town of Harwich

Mr. Ballantine called the meeting back to order following Executive Session. The Board discussed 3 separate ongoing issues and will continue follow up discussions.

**WEEKLY BRIEFING**

- A. COVID-19 Updates

Health Director Meggan Eldredge was present remotely. Since the packet information was put together, Harwich has had 5 additional cases over the weekend and 2 today which brings our total case count up to 195. We are currently tracking 17 active cases which is the highest to date. Numbers are increasing daily, not just in Harwich but throughout the County. Harwich has an incident rate of 5.7% and Barnstable County is at 7%. Cases are now being seen from community transmission. The Department of Public Health has changed their quarantine guidelines for asymptomatic close contacts. The new guidelines are back by scientific evidence. Barnstable County has received funding to have a few test sites put up around the Cape and hopefully we will see them as early as next week. There will be a site at the Barnstable County Fairgrounds as well as another permanent site and a mobile testing site. These are great options for people without insurance or a primary care provider. The sites will require an appointment, but will test both symptomatic and asymptomatic individuals. As expected, Maine and New Hampshire are no longer lower risk states and would require people to quarantine upon returning from them.

Mr. Ballantine agreed that the numbers are not going in our favor and that things could get worse before they get better. He commented that the Board should figure out the best action to move forward while still remaining flexible and serving the public as best possible.

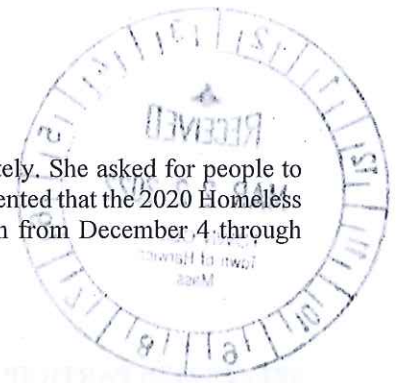
Mr. Howell asked about the incubation period after possible exposure. Ms. Eldredge responded that you should test at day 5 after possible exposure to get the most accurate results.

Mr. McManus urged staff to look ahead and develop a plan for town business to be able to continue if we see a surge in cases. He would like to see services keep moving along rather than a complete shutdown like last spring. Mr. Powers responded that the Health Department has been working to evaluate the course of action needed. Funds have been authorized and steps have been taken to allow for a larger technological footprint, should we need to retreat on any of the services that we provide. Ms. Eldredge added that she has been working with department heads on action plans if a remote work option is needed. Another option would be a skeleton crew model where one person would be in a department to allow for business to remain open, while reducing the number of staff in the building.

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



Harwich Chamber of Commerce Executive Director Cyndi Williams was present remotely. She asked for people to refer to the Chamber's website regarding holiday events in Harwich. Ms. Williams commented that the 2020 Homeless for the Holidays event will be held as a drive-thru at the Chamber. The event will run from December 4 through December 6.



### **PUBLIC COMMENTS/ANNOUNCEMENTS**

Fire Chief David LeBlanc was present remotely along with many of his staff members, including Firefighter Josh Ford. While off-duty, Mr. Ford was first on scene for a car fire with a person inside and reported it to the station. With the assistance of a civilian, they were able to get the driver out of the vehicle and to safety. By the time the engine arrived on scene, the car was fully engulfed. Mr. Ford and the unknown civilian went above and beyond to assist and bring the driver to safety.

Mr. Ford commented that there are not a lot of opportunities to recognize our own personnel and it is nice to see the support of the department. He feels that anyone else would have taken the same actions that he did.

Mr. McManus stated that there is a shortage of blood donations for the donor program at Cape Cod Healthcare. A blood donor collection is being held this Thursday at our Public Safety Building.

Mr. MacAskill extended his thoughts and prayers to State Trooper John Lennon and his family, who was shot in the line of duty in Hyannis.

Highway and Maintenance Director Linc Hooper was present remotely. He announced that National Grid has completed 4 weeks of paving. They still owe us some line painting and loam and seed. Harwich had received approximately 4 million dollars of paving due to us tolerating their project over the last few years. Mr. Hooper is very pleased with the final project results.

### **PUBLIC HEARINGS/PRESENTATIONS**

#### **A. Presentation – Sidewalk from Saquatucket Harbor to Harwichport Project**

Town Engineer Griffin Ryder was present remotely along with Highway and Maintenance Director Linc Hooper. Both have been very involved with this project. There has been a long standing request to build a sidewalk on Route 28 from Bank Street to Saquatucket Harbor. In 2015, the town had received a letter from Massachusetts Department of Transportation commenting that they see the project request as viable and that a sidewalk could be constructed the next time they had any maintenance planned for that stretch of road. Unfortunately, no work was planned for that area. At this time, Mass DOT feels that the project can be moved into the transportation project queue.

VHB Engineer Steve Rhodes was present remotely. He provided an aerial image of the project area. The project runs about 6/10 of a mile from Bank Street to the Saquatucket Harbor parking lot. A 5' sidewalk is proposed on the South side of the street. Mr. Rhodes provided a project history dating back to 2015. There is a lack of pedestrian safe walkways from Harwich Port to Saquatucket Harbor and the sidewalks will also be ADA compliant. Mr. Rhodes reviewed existing condition photos and talked about proposed improvements to the corridor. Project costs include \$225,000 in engineering and construction costs of just under \$800,000. If the Mass DOT Tip process is followed, there is a typical cost split where the town is responsible for the design and DOT is responsible for construction. On behalf of the town, the Cape Cod Commission submitted a project need request to DOT in November 2020. The construction year is to be determined.

Mr. Howell commented that this project is just for a sidewalk and does not include plans for a bike lane.

Mr. Ryder stated that the town will continue to minimize impacts as we work through the process. He hopes that DOT will step up and provide safety that is much needed on this corridor.

Mr. Ford said that there is an effort on several levels to get in touch with Governor Baker and make sure that he understands how important this project is for our town, both economically and safety wise.

Mr. McManus commented that in a typical sidewalk design, if you can't provide a 2' vegetated strip between the sidewalk and the road, that curbing would be required. Curbing will prevent cars from being able off the side of the road in order to move out of the way for an emergency vehicle. At the Wychmere Harbor overlook, he would like to make sure that there will still be an area for cars to pull off and enjoy the sights.

Susan Thomas was present remotely to represent the Saquatucket Bluffs and South Shore Associations which include 73 families and 74 households. Everyone without exception has been in favor of the proposed sidewalk. Ms. Thomas read a few of the comments that she has received this week. Safety is the number one concern as well as the economic benefits to the town.

Thomas Doorley was present remotely and supported the previous speaker's comments. He complimented the Board and town staff for all of the wonderful work that has been done at Saquatucket Harbor. A sidewalk addition would be a great asset to the town.

Peter Lipscomb was present remotely and stated that he is an advocate for having a sidewalk in this area. 2 years ago he wrote a letter to Governor Baker about this issue. Mr. Lipscomb stated that when he tries to walk or ride his bike into town, his mother fears for his life. He feels that having a sidewalk would make the town more safe and friendly as well as be beneficial for people's health. He asked the Board to move forward with this project.

Karen Larson was present remotely. She pointed out that there is a connection between Harwich Port and the 2 ports along Route 28. It would be great to have the ability to safely be able to walk from the 2 ports into town.

Bob Hull was present remotely and echoed all earlier comments made. Mr. Hull has lived on Julien Road for 15 years and fully supports this project. He asked if there would be a possibility of running the sidewalk to the top of Julien Road. Mr. Ballantine agreed but added that we need to take this project one step at a time.

Sheryl Stone was present remotely and stated that they often walk this corridor and don't always feel safe when they do. She appreciates the forward motions that have been made on this project.

Rebecca Koeniger was present remotely and commented that the safety issues are being heard loud and clear. She thanked everyone that has been working on this project and noted that she looks forward to having it come to fruition.

David Farer was present remotely and stated that he is very much in favor of this project. He would like to see it extended to Neel Road or all the way to Julien Road as that is still a high speed and high traffic area.

Kristin Young was present remotely. They live on the South side of Route 28 where the sidewalk is being proposed. She imagines that with sidewalks there will be increased pedestrian traffic and asked if there would be any consideration to reducing the speed along that stretch of the road. Mr. Ballantine responded that in the past, we have been unsuccessful with speed reductions because it is a state road. Mr. Ryder added that speed will be looked at as part of the typical Tip process. Mr. Ryder commented that with a speed survey, you don't always see the results that you might be looking for. We would be looking to do soft edges wherever possible, but vertical curbing could be considered in some places. Mr. Rhodes added that whenever there is a major change to a corridor, DOT does look at the traffic speed. Sometimes after sidewalks are installed, you see a reduction in speed anyways. If the speed limit can't be reduced, there are other possible traffic calming measures that might be able to be implemented.

Steve Tupper from the Cape Cod Commission was present remotely. He has assisted towns in trying to get speed limit reduced. He would be happy to take an informal look at the roadway and speeds. He commented that he is happy to hear such great support for this project.

Mr. McManus asked that as the project begins the design phases, that there be consideration of having a bus turnout at the Outer Cape Health facility entrance on Route 28.

Mr. Ballantine stated that the town will welcome any other comments as this project moves forward. He asked that comments be emailed to the Town Administrator's office.

The next step from here would be going to the project review commission through Mass DOT. They meet in mid-January. At that point, they would vote to accept or support the project. If they vote to support, it would be up to the town to engage the design consultant and get us into the Tip process. If the public would like to submit letters of support, they can be sent to Administration or Engineering. This will not be the last opportunity for the public to provide their input.

Mr. McManus suggested that the public could write to our state representatives as well.

## **NEW BUSINESS**

### **A. Discussion and possible vote – Shared streets grant opportunity – Harwich Center/Main Street**

Mr. Powers stated that this program ran through the summer and then last October was being reconstituted and reissued as the Shared Winter Streets Grant Program. This would be the perfect opportunity for the Board to direct staff to submit an application for a grant that would affect our front Main Street roadway and would also build off of an effort from the 2019 May Town Meeting which identified a funding source for the Harwich Center ADA sidewalk project.

Bob Young was present remotely. He opened his business on Main Street in February of 2020 and has had a lot of time to look at the street out front. The grant would also be in conjunction with helping businesses survive and attract patrons that use the bike path. He feels that the streets are not in good shape and that the crosswalks are almost invisible. Mr. Young urged the Board to take a look at this grant opportunity.

Mr. Powers stated that he is seeking a consensus from the Board on if they would like to move forward with this application, adding that the application is due a week from Friday.

Mr. Ford commented that Mr. Young had contacted him about this grant opportunity and that he feels we should support it.

Having been part of earlier initiatives, Mr. McManus sees this as an opportunity to start implementing the plan.

Mr. Howell stated that it would be great to get this done for Harwich Center.

Mr. MacAskill feels that this is well needed and thanked Mr. Young for his participation.

Mr. Ballantine stated that this opportunity matches up with some other programs that are in place and that it is a great way to move forward.

**B. Update from the Interim Town Administrator on the Alcoholic Beverages Control Commission seminar**

Town Administration staff participated in this seminar last Tuesday. The ABCC has emphasized that if you are a restaurant or a package store, you can renew your license, even if you are not currently operating due to COVID-19. Currently, the local licensing authority requires that if an establishment is looking to close, that they need to provide a written request and explanation to the Board.

Mr. Ballantine asked if the Board could issue a license pending receipt of their insurance, if they are closed due to COVID-19. Mr. Powers responded that the internal deadline for the town to receive signed renewal applications in tomorrow. After the 30<sup>th</sup>, the Board will start to review the renewals. It will be of great relief to the establishments to know that they can get their licenses renewed and that when they want to reopen, they can follow up on any outstanding paperwork. These changes are only pandemic related and should not be considered permanent.

**C. Discussion and possible vote approving Section 1.07 of the Harwich Board of Selectmen Liquor License Regulations requests for closure by licensed establishments: Harwich Port Seafarer DBA Mooncusser's Tavern, 86 Sisson Road, Annual All Alcohol license, seeking to close from December 1, 2020 to April 1, 2021 due to COVID-19**

**Mr. Howell moved to approve Section 1.07 of the Harwich Board of Selectmen Liquor License Regulations requests for closure by licensed establishments: Harwich Port Seafarer DBA Mooncusser's Tavern, 86 Sisson Road, Annual All Alcohol license, seeking to close from December 1, 2020 to April 1, 2021 due to COVID-19, 2<sup>nd</sup> by Mr. McManus. The vote was 5-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Ford, Mr. Howell & Mr. McManus all voting aye by roll call.**

**OLD BUSINESS**

**A. Discussion and possible vote on proposed Administrative Reorganization per Charter, Chapter 4, Section 5, Sub-Section 4-5-1**

Mr. Powers stated that there had been preliminary discussions on an administration reorganization. He is proposing a reorganization of the administration department which would require the approval of at least 3 members of the Board. Mr. Powers is proposing to re-establish the executive administrative assistant roles in the administration office and change them from an OA-5 to an OA-4 and have it be listed as Executive Assistant for licensing. Both of the administrative assistant roles would be at the same level.

Mr. MacAskill commented that he does think it is a good idea to make the roles uniform and that the Board provided a consensus in agreeing to the changes. While he supports the reorganization, he would like to see the overall costs of changing the positions as well as see the job description. Mr. Powers responded that by level setting the position from at OA-5 to an OA-4, there is a savings of about \$10,000. The staff support supervisor role that was previously created is proposed to be removed from the job description.

Mr. MacAskill asked to confirm that there is no union involvement with these positions. Mr. Powers responded that the positions fall under the personnel bylaw which falls under administration.

Mr. MacAskill commented that usually when a position is advertised, that there is a range in the pay scale. He also wondered if the position duties would be limited by including the term licensing. Mr. Powers responded and said that there is usually a range in steps and that he is proposing OA-4. He added that the executive administrative assistant for licensing is not creating a new position as it has been in place years prior.

Mr. Howell stated that he understands Mr. MacAskill's concerns and added that the prior support staff supervisor position was dark. We had someone who was not related to the workforce that was supervising a position where they didn't work together. This change would clarify that and reset us back to where we were previous to that added duty.

**Mr. Howell moved to support the request as submitted by the Town Administrator, 2<sup>nd</sup> by Mr. McManus. The vote was 5-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Ford, Mr. Howell & Mr. McManus all voting aye by roll call.**

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

Mr. Powers stated that this year's MMA annual meeting will be held fully remote. Mr. Ballantine, Mr. Howell, Mr. McManus & Mr. Ford stated that they would like to be registered. Mr. MacAskill was unsure of his registration status. Mr. Powers stated that he would be registering as well.

Mr. MacAskill hopes that the Board could meet following the seminar and share what they learned.

#### **SELECTMEN'S REPORT**

Mr. Howell stated that the Affordable Housing Trust met last Thursday. He participated with the Town Engineering on a call today relative to engineering a building for the top of Sisson Road. They are going to have a soil analysis done through the Massachusetts Housing Partnership. As soon as the RFP is put out, community engagement will be opened.

#### **ADJOURN**

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

Respectfully submitted,

Jennifer Clarke  
Recording Secretary