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HARWICH, MA

2022 JUN 27 P 3: 24

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

APPROVED

RELEASED

SELECTMEN PARTICIPATING: Michael MacAskill, Julie Kavanagh, Larry Ballantine and Mary Anderson. Mr. Howell joined the meeting late.

ALSO PARTICIPATING: Town Administrator Joseph F. Powers

CALL TO ORDER:

Chairman MacAskill opened the Board of Selectmen's meeting for December 6, 2021 at 5:30 PM. Ms. Anderson moved to enter into Executive Session, 2nd by Mr. Howell. Vote 4:0 in favor. Motion carried unanimously.

EXECUTIVE SESSION:

- A. Pursuant to MGL c.30A, s21(6) to consider the purchase, exchange, lease or value of real property if the chair so declares that an open meeting may have a detrimental effect on the negotiating position of the public body;
- B. Pursuant to MGL c.30A section 21 (a)(3) to discuss with respect to collective bargaining for all town unions if an open meeting would have a detrimental effect of the town's bargaining position and the chair so declares;
- C. Pursuant to GL c.30A sec. 21(a)(2) to conduct strategy sessions in preparation for negotiations with non-union personnel and to conduct contract negotiations with non-union personnel.

Mr. MacAskill reopened the Board of Selectmen's meeting after Executive Session where they discussed the 3 items listed above. Decisions were made, they are all still under Executive Session so nothing will be announced tonight. He invited attendees to join in the Pledge of Allegiance.

PUBLIC COMMENTS/ANNOUNCEMENTS

Lieutenant Brad Willis of the Harwich Fire Department commented that for the 7th year in a row Harwich Fire and Police represented Harwich in the annual Homeless for the Holidays Project. Donations have been collected at various locations for different causes. Since he asked and received the town's support 7 years ago they have received generous donations from people in this area with the majority of the accepted donations going to the Family Pantry. This year's totals were 732 toys, approximately 1,000 pounds of food and just over \$10,000.00 in cash,

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checks and gift cards. He also noted the 7 year totals. He thanked the community for their strength and support, he also thanked Chief Clark who gave them the initial go ahead to start this program and to Chief LeBlanc who continues to support them.

Chief LeBlanc added that this is a group effort but this wouldn't be possible without Lt. Willis' effort and organization of the entire event and he deserves the lion's share of the credit.

Cindy Williams Executive Director of the Harwich Chamber of Commerce noted the 5th year of the Festival of Trees which benefits the Family Pantry. She stated that there are 60 trees, donations are already at \$6,000.00 and they hope to surpass last year's \$10,000.00. She encouraged everyone to come and participate.

CONSENT AGENDA

- A. Vote to approve the Assistant Town Administrator's recommendation to grant permission to Verizon New England Inc. and NSTAR Electric Company DBA Eversource Energy for the purpose to relocate one (1) jointly owned pole, 4/167,20' southeast on Church Street for the necessity to facilitate construction of a new subdivision road (Caldwell Lane)
- B. Vote to approve a Caleb Chase request in the amount of \$1,000.00
- 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
- E. Vote to approve resignation of Allan Peterson from the Planning Board
- F. Vote to approve the Commonwealth of Massachusetts Alcoholic Beverages Control Commission 2022 Seasonal Population Increase Estimation Form.
- G. Vote to accept a gift to the Harwich Police Department of three (3) Harley Davidson Motorcycles

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

Town Administrator Powers noted that under season estimation, staff recommended that the town's number go from 30,000 to 35,000 due to the activity over the years.

Vote 4:0 in favor. Motion carried unanimously.

NEW BUSINESS

- A. Annual Committee meetings
 - 1. Harwich Housing Authority

No representative present but the packet is available to the public.

- 2. Traffic Safety Committee

Linda Cebula of the Traffic Safety Committee was present to answer questions. The report had been previously submitted. She did note that they will be trying to work on cutting back bushes throughout the town for safety reasons. She explained why they are requesting quarterly

meetings in place of monthly noting that they deal with utilities and the extended time it takes to work with them on projects.

Mr. MacAskill will put their request an agenda.

3. Bikeways Committee

Paul Gazaille of the Bikeways Committee noted that he had submitted his report and does not have any additions.

Mr. Ballantine asked if it would make sense to have a Police Department liaison for the committee to call with safety questions.

Ms. Kavanagh replied that she has spoken with this committee and Traffic, they both noted that they have a good relationship and through traffic they have the police involved.

Mr. MacAskill commented that Ms. Kavanagh's recommendation, after meeting with both committees, was to not merge them. He will put that on for a full Board vote but they will not be voting to merge those committees.

4. Board of Appeals

David Ryer Chair of the Board of Appeals had submitted a report, the Board did not have it in the packet, and he reviewed his report. All members and alternates are sworn in and up to date on training. He also noted remote and in person meetings, posted agendas and minutes and the number of cases has increased almost 50%. He commented that the courses that Mr. Howell had previously asked about are not geared toward the committee but rather the general public. He would like to have training on what would be their special considerations of the market rate 40B like the one proposed at Chloe's Path. He feels it would be helpful.

Town Administrator Powers replied that they are working on training through Administration, the Clerk's Office, KP Law and others to be sure there is a suite of training exercises and topics.

Mr. MacAskill commented that as a town they are allowed to hire a housing consultant to work with the Board of Appeals through that process.

B. Discussion and possible vote to appoint Assistant Town Administrator Meggan Eldredge the ADA Compliance Officer for the Harwich Accessibility Rights committee

Mr. MacAskill commented that he has been working with staff to change the charge and make it more inviting to be on the committee and lessening the criteria so they can fill that committee.

Town Administrator Powers recommended Meggan Eldredge as the Compliance Officer and noted that she lives that every day and there couldn't be a better person for that position. He feels the Board's vote and recommendation will go even further to supporting the rights

committee. There are suggestions on how they can change the charge and wording on requirements as there has been some misinterpretation over the years.

Mr. Ballantine moved to appoint Meggan Eldredge Compliance Officer for the Harwich Accessibility Rights Committee, 2nd by Ms. Kavanagh.

Mr. Ballantine offered a caution that some of the charge comes directly from the statute. He is not sure how much flexibility they have.

Town Administrator Powers replied that the ADA Compliance Officer once that position is appointed, they notify the state and they become the primary point contact. Ms. Eldredge would be the person validating with the state if we are going in the right direction or should expand the charge. This appointment helps assure that we are in compliance with that.

Vote 4:0 in favor. Motion carried unanimously.

C. Discussion and possible vote to approve a remote participation request for a member of Planning Board

Mr. MacAskill questioned that it says "A" member of the Planning Board and he believes John Chorey's email it said 3 members of the Board.

Town Administrator Powers replied, that was the request that came in today. They have a request from the Town Planner for Planning Board member David Harris. The request the Board will take up next week does involve 3 members of the committee. But tonight it's one member, David Harris.

Ms. Anderson moved to vote to approve a remote participation request for David Harris a member of Planning Board, 2nd by Ms. Kavanagh. Vote 4:0 in favor. Motion carried unanimously.

Mr. MacAskill noted that 3 members of a committee is a lot.

Town Administrator Powers replied that it also violates the policy and there are concerns with that particular committee that beyond the town's policy it may violate the statute.

D. Discussion and possible vote to send a letter of recommendation for Mid Cape Church Homes

Ms. Anderson moved to vote to send a letter of recommendation for Mid Cape Church Homes, 2nd by Ms. Kavanagh. Vote 4:0 in favor. Motion carried unanimously.

E. Discussion and possible vote to affirm The town Administrator's appointment of Robert Piccirilli as Building Commissioner per the town of Harwich Charter Chapter 4, Section 4, Clause 4-4-1

Ms. Anderson moved to affirm the Town Administrator's appointment of Robert Piccirilli as presented, 2nd by Mr. Ballantine. Vote 4:0 in favor. Motion carried unanimously.

F. Discussion and possible vote to approve the high definition Cable Channel Designation

Ms. Anderson moved to vote to approve the high definition Cable Channel Designation, 2nd by Mr. Ballantine. Vote 4:0 in favor. Motion carried unanimously.

G. Discussion and possible vote to approve 2022 Annual off premise, wine and malt liquor licenses,

1. Bourne Petroleum Ltd d/b/a Harwich Exxon - 173 Pleasant Lake Ave
2. Maulik Corp. d/b/a Value Mart - 435 Route 28
3. Pizza Shark partners d/b/s Pizza Shark - 403 Pleasant Lake Ave.

Ms. Anderson moved to approve the 2022 Annual off premise, wine and malt liquor licenses as presented, 2nd by Ms. Kavanagh. Vote 4:0 in favor. Motion carried unanimously.

H. Discussion and possible vote to approve 2022 Annual off premise all alcohol liquor licenses;

1. ATJX, Inc. d/b/a Moonshine Liquors - 4 Great Western Road
2. Cranberry Liquors at Harwich Port LLC d/b/a Cranberry Liquors - 555 Route 28
3. Main Street Quik Pik, Inc. d/b/a Main Street Market - 715 Main Street
4. Portside Liquors III, Inc. d/b/a Portside Liquors - 1421 Route 39
5. A.J. Luke's of Harwich, Inc. n - 224 Route 28

Ms. Anderson moved to approve the 2022 Annual off premise all alcohol liquor licenses as presented, 2nd by Ms. Kavanagh. Vote 4:0 in favor. Motion carried unanimously.

I. Discussion and possible vote to approve 2022 Annual, on premises, wine & malt liquor licenses;

1. Cape Roots Market & Cafe LLC d/b/a Cape Roots Market & Cafe - 557 Route 28
2. Ember Pizza, Inc. d/b/a Ember - 600 Route 28
3. First Crush Winery Cape C of LLC d/b/a First Crush Winery - 527 Main Street - *Wine Only*
4. Spyridon & Aglaia Chistakis d/b/a George's Pizza House - 564 Route 28

Ms. Anderson moved to approve the 2022 Annual, non-premise wine & malt liquor licenses as presented, 2nd by Ms. Kavanagh. Vote 4:0 in favor. Motion carried unanimously.

J. Discussion and possible vote to approve 2022 Annual, on premise, all alcohol liquor licenses;

1. Allen Harbor Yacht Club, Inc. - 371 Lower County Road
2. Ashwood Food Services Inc. d/b/a Jake Rooney's - 119 Brooks Road
3. Beachlight LLC d/b/a Seal Pub - 703 Main Street
4. BLM Restaurant Group Inc. d/b/a Lanyard Bar and Grill - 429 Route 28

5. Blue Stripe LLC d/b/a Cape Sea Grille - 312 Sea Street
6. Brax Restaurant Management, Inc. d/b/a Brax Landing - 705 Main Street
7. Four Hundred East, Inc. - 1421 Orleans Road
8. Harwich Inn and Tavern LLC d/b/a Harwich Inn and Tavern - 77 Route 28
9. Harwichport House of Pizza, Inc. - 330 Route 28
10. Harwich Port Seafare Inc. d/b/a Harwich Port Seafarer - 86 scission Road
11. Hot Stove Inc. d/b/a Hot Stove Salon - 5651 Route 28 - *Pending receipt of Certificate of Insurance*
12. Morningstar Restaurant, Inc. d/b/a Villa Roma - 278 Route 28
13. AShogun, Inc. d/b/a Noble House - 21 Route 28
14. Shooting Star Realty, LLC d/b/a Yucas Restaurant - 4 Depot Road
15. WFS Restaurant Group, Inc. d/b/a L'Alouette - 787 Route 28
16. Zack, Inc. d/b/a Castaways - 986 Main Street

Ms. Anderson moved to approve 2022 Annual, on premise all alcohol liquor licenses as presented, 2nd by Ms. Kavanagh.

Mr. Ballantine mentioned the letter they received from Chief Guillemette. He presumes that the licenses go forward and that the Board will have to monitor those actions in the further. They have to approve the licenses and the rest will come up later.

Town Administrator Powers commented that what is listed in the memorandum are potential violations. The hearings have been held and the Board will be set to take action December 14th.

Vote 4:0 in favor. Motion carried unanimously

OLD BUSINESS

- A. Discussion and possible vote to accept the withdrawal of the sole bidder and cancel the Request for Proposal for 5 Bells neck Road

Mr. MacAskill summarized previous discussions. The 501C3 Historic West Harwich School House submitted an RFP and sent a letter on November 16th, they voted to no longer pursue the RFP. He does not feel a vote of the Board is needed to not go forward with this RFP.

Town Administrator Powers commented that it is in the memorandum, the town reserves the right to cancel any and all bids and reject the process in total. There is no harm in doing that if the Board decided to take future actions.

Mr. Howell entered the meeting.

Mr. Ballantine commented that he does have a concern that the implication of the statements made in the letter that one of the reasons they withdrew was they were told that the priority was being given to Brooks Academy and to the Fire Station. In the past when the Board has supported the CPC article, the best route they take has come to a full Board, not a single statement like that. He doesn't think this came up for a discussion whether the Board was

looking to support selling that of property to the Fire House, He notes that reading the CPC's website, they have asked for CPC funding. He feels the major discussion will be where they go next.

Mr. MacAskill will look into that. His recollection is of those comments in an open meeting in front of this Board and a discussion when the initial RFP was sent. Since a single meeting keeps being brought up, in the day we are in now you can write anything on social media and half the people believe it without fact checking the other side. He is upset that Susan Urbano who is the president of this group, went on social media and posted and a lot of these accusations came from her post. She attended the same meeting Duncan Berry, Town Administrator Powers and he attended. The conversation happened in this meeting and the conversation happened based on the Town Administrator's memo. The town reserves the explicit right to select a proposal which does not necessarily contain the highest price and/or economic benefit to the town. He continued reading from the memo. That was an open meeting and in that open meeting the respondents to the RFP agreed to have a meeting and for them to pick the date at which time they did pick the date. At that meeting the Board of Selectmen unanimously asked him (Mr. MacAskill) to be in that meeting. Nobody had a problem with that and nothing happened outside of a public meeting and the allegation and the comments that something happened is disgusting to him. This person that made this attack on social media based on that post is the chair of our Charter Review Committee and the editor of the Harwich Old Timers. Had somebody not read the foot notes and watched the entire meeting, they would know that it was endorsed by the Board of Selectmen and that he was in that meeting as a representative of the entire Board. But you can write anything you want on social media and half the people will believe it.

Larry Ballantine noted that he hasn't read any social media comments on this. He was referencing Sally's letter that's in the packet and that they were told the first priority was Brooks and the Fire Station. His only concern is, to the extent that, if this letter is correct and they were told there was no hope of getting support because they were a low priority, we voted in the past of whether the Board supported it or not. That was his single point.

Mr. MacAskill replied, that conversation happened with this Board. It may have re-happened in the meeting, he doesn't have a recollection of it. The conversation that Sally is referring to was in front of this entire Board, not in a private meeting. This Board and the Town Administrator brought that up in the advantageous not advocacy.

Town Administrator Powers commented that the Board had a conversation on September 27th, Old Business, item B. He had gone through the criterion that's in the bid documents, he read from that document. He had written that the proposer had not demonstrated sufficient funding available to preserve, restore and rehabilitate the premises. He noted criterion 6, noting that CPA funds are a potential funding source which in his opinion contradicts their statement under impact analysis and notes criterion #3 regarding Historic Preservation funds. It was not his recollection, the negotiating meeting that's allowed under the RFP occurred with the sole bidder. The comments that the chair made were at the public meeting in September. Their statement was that the town countered with a request of \$35,000 up front sales money and a caution that CPC money would be limited. He recalls that the town would not have said would but rather "could". That discussion first came about in a public meeting of the Board of Selectmen in this room.

Ms. Anderson's recollection of that is they talked about the limited amount of money for historic preservation and that they had already committed some amount to Brooks Academy and knew more was coming at them. If there was any discussion of the Fire Station, there certainly at that point was no commitment, that may have just been thrown out but it wasn't that they were saying they were rejecting the schoolhouse because of that. It was just a look at what they had committed, the Fire House could be a problem with having enough money. That was in that public meeting because it's the only one she went to.

Ms. Kavanagh commented that any discussion on that just came from the history of how long this has been kicking around. They had gone to CPC years ago and then the conversation was about the dollar and the whole idea of what are we going to do? Her recollection of that meeting was that they need to take a look at this and take action.

Mr. Howell agreed, that was also his recollection. We knew you (Mr. MacAskill) was going to be in the meeting. You can't get grants unless you have a commitment somehow. His concern is that if they did not take a vote that they were going to reject it or what the counter would be. We said sit in on a meeting, figure out what it is they're intending to do and see where we're at. He would love to find someone who cares about it. Do we want to see this building torn down or do we want to see something come of it like the South Harwich Meeting House?

Mr. MacAskill referred to his original statement about the \$1 bid. Duncan Barry who has done a lot of the work, is in the audience. He does not think it's responsible for the Town of Harwich to sell a piece of property assessed at \$280,000.00 for a dollar. He thought they were moving along and then he got a phone call from Lou Urbano that said Sally Urbano was stepping down from the 501C3 and that the 501C3 was being dissolved. Town Meeting told them to sell the building, they never said to give it away and there is a whole other part of this town that owns that property and would like to see something happen with it but they did not authorize to give that property away. He has no problem with putting out an RFP as a real estate deal which it is because they are disposing town property. The town has not voted to restore the old school house. He does feel there should be historic preservation to the outside of the building.

Mr. Howell asked what they were told when they did the walk through because he heard they were told they couldn't do a museum and that had to do with the DPW.

Duncan Berry Chair of the Planning Board noted that he is in the dark about the social media and he doesn't recall the details of that. He doesn't believe there was any formal hard line during the walk through.

Town Administrator Powers commented that the walkthrough was convened by the DPW Director and the Facility Maintenance Manager. When he heard that claim he asked the DPW Director and the Facilities Manager and neither of them made any comments relative to that use. The RFP talks about any questions should be submitted to the town to track them. So Lincoln Hooper Director of the DPW is saying he didn't say it and the town did not receive the question. And as the Procurement Officer, that did not weigh in on the analysis of the bid.

Mr. Berry's thought is that the meeting when they discussed the possibility of closure or a cash transaction, he still has a very active party who is interested in acquiring that and the church. But they work in a different budgetary and grant cycle. He would be interested in putting a hold on the property, whether in escrow or however the Board wants to do it. He wants to be sure, if there is a transaction, they buy, and he gets out. But he would like to see the opportunity for the decision to be made where you'd have this American College of Building Arts, they need a project to raise money. He realizes this is out of the parameter of the RFP but he would love to help out in bridging a couple of concerns. He is offering that as a concerned citizen who will put his money where his mouth is and see if he can make a deal to the town's benefit and also to the neighborhood's benefit.

Mr. Ballantine commented that the implication in the letter, if that was made, he doesn't want this process to stop without giving some chance for consideration. He doesn't feel it's their role to preclude that even with the Town Administrator's review of the submittal. They are to sell the property and keep it historical if they can.

Town Administrator Powers commented that everything that the town and the Board had to talk about is Mass General Laws Chapter 30B because that's the procurement law first and foremost. The previous speaker, a resident from the public, his understanding is not a part of the original bid and there's only one bid. The town has to come to a conclusion on the bid that the town received under the RFP that was issued earlier this year. All those other discussions are something he can't speak to because there's only one bidder. If the Board wanted to proceed as Selectman Ballantine is saying, if others in the community have an interest then it may be the appropriate step that the Board do what is contemplated under the agenda item tonight. That is cancel the last RFP and/or reject the bid and then take future steps. 30B does not allow him or the Board to min agreement as far as appreciating the historic nature of the building. Going back out with a new RFP, having a new charge and letting more parties get involved. We have an asset and have to do what's right for the town with that asset. We need to see what else is out there. Going forward with a new RFP is best for all parties.

Ms. Anderson commented that she'd like that RFP to have some language in it that preference may be given if rental housing is included and/or exterior historic preservation.

Ms. Anderson moved to accept the withdrawal notice of the sole bidder and cancel the Request for Proposal for 5 Bells neck Road, 2n by Ms. Kavanagh. Vote 4:1 with Mr. Howell voting Nay. Motion carried.

Mr. Howell commenters that he is concerned, they don't know what they're going to do with the Fire House, they know what they did with the Harwich Meeting House and noted that. The conversation around Town meeting and in this room has always revolved around trying to preserve it as part of a whole. He disagrees strongly with the preference. He feels if they allow that building to be flattened or altered significantly, shame on us.

Town Administrator Powers noted that he has not seen social media but he has been asked why he is stuck on the price point. He made it clear that he is not stuck on any price point, he is not the decision maker. He is the Procurement Officer and those dollar transactions do happen. The Board needs to discuss is, what is the perceived value of the property and if the Board wants to rely on that perceived value of the property. Per the 30B manual, the town has to demonstrate a value and he read from the RFP. Whatever we do in the RFP, the town must troll be able to define the value. If the town wants to derive of

the value of a property to dispose of, we can rely upon the facts that we already have or the town could seek an appraisal. For the last RFP the town never said that it had to be a dollar but the town did give fair notice that we derived the value by what the property card said for the land. That comes into play when you have more than one proposal, it's different when it's one proposal and there were a number of factors missing. WE have to be driven by 30B and all the appropriate requirements.

Ms. Kavanagh commented that they have to be fiscally responsible and figure out what the market value is on the property but there's also an insurance issue. We are spending tax dollars paying insurance and will have to patch the roof just to get the insurance. We need to get the town what we can for that property with restrictions in the RFP, it's the best way to go forward.

Karen Horne from West Harwich referred to something Mr. Howell said regarding finding someone who cares about this building. She said they have a group who cares about this building, they are offering to purchase, rehabilitate it and take it off the Board's hands. She agrees it has a market value but it is deteriorating. She doesn't understand why they need more money. As a neighbor she is disappointed in the process.

Ms. Anderson asked if at a previous meeting they said if they did put it out again it should go out through MLS. This has not had wide spread publicity so we don't know who may have a proposal for this.

Mr. MacAskill replied that is correct. The procurement process on the disposal of town property is very skewed, as to where and when it gets advertised. He doesn't recall that Mr. Berry had a problem with the price they were talking about. A dollar is not for everybody in town and as much as they have talked about this building, they have never listed it as a piece of real estate. If groups came up all over town and wanted to take over our properties and there Board of Selectmen taking direction from Town Meeting which was to sell the property, sold them all for a dollar, he doesn't think they'd vote for the Board to dispose of any more properties.

Mr. Berry added that the town has already put in hundreds if not thousands of person hours into the creation of a district. He remembers ZOOM screens with 30 people from Cape Cod Commission having 2 hour meetings. There are dozens of these meetings still going on. It seems paradoxical that the one property that abuts that district is the property of the town and the consideration is that it wouldn't be in the town's interest to keep in line with what the town has already made a massive human resource investment in. He thinks there's a great future for that building and that corner.

Town Administrator Powers made it clear that there are only 2 people in this town that are burdened by 30B and that is himself and the Assistant Town Administrator because he has been identified as their Chief Procurement Officer. He understands his directive to be to operate under the constraints of the law which he must do and that's why he can't accept a dollar. The process that created this bid was legal. If anyone wants to talk about that building, they should not talk about it under 30B, let him leave the room and figure out the options. But if the town is going to dispose of surplus property, we must obey Chapter 30B. It shouldn't be an open discussion on the parameters and the criterion with potential bidders.

Mr. MacAskill asked the pleasure of the Board. He supports a real estate transaction with a historical restriction on the facade of the building and that it's open for anyone to bid one. He feels the appropriate value would be the value of the dirt which is \$140,000.00.

Ms. Anderson agrees and thinks a new Request for Proposal should go out and there should be discussion about historical preservation of the exterior and preference may be given to rental units but if others don't feel that way, she's ok not putting that in.

Ms. Kavanagh agrees and thinks it's the best way forward. She feels restricting the historical facade is helpful to any group that's interested.

Mr. Ballantine noted that the first decision they made is that they want to maintain the historical building. He is unsure if doing MLS would increase the number of people liking it but he disagreed with Ms. Anderson. He would let anyone use it any way they want as long as it's legal and historical. He would like the Board to consider what would happen if they do not get a bid through MLS. At that point they should be able to go back and let the same group be a part of the RFP process. None of them are excited about spending \$50,000.00 for a building they are not going to take care of.

Ms. Kavanagh asked if the historical restriction could be included in the RFP and then a preference that the Board had a priority for.... That doesn't restrict it to housing but does let the Board weight in or is that too generic?

Town Administrator Powers stated that we need a lawyer and he is not a lawyer. A restriction can be one that is recorded on the deed that would be in the RFP as criterion. There are many ways to do it and we could list with MLS but we don't know if it's allowed. These and others are all reasons that they need an attorney. He noted that they are required to list the in 2 places, the State's Central Registry and the State Bulletin. Whatever the Board decides value helps write the RFP and helps inform the public and the bidders.

Ms. Anderson asked that rather than restriction they could say preference.

Town Administrator Powers replied that yes if it's allowed. In an RFP the language is not advantageous highly advantageous. They'd have to write what is important to them in that manner. An historic facade could be considered a highly advantageous response. He continued to describe the different scenarios.

Mr. Howell referred to the South Harwich Meetinghouse and historic preservation. He noted that he didn't say that they needed someone to love it. The DCPC ends at the front of the parking lot of that building. If it's restricted for conveyance purposes in the RFP there is nothing stopping somebody from leveling it or doing whatever they want because it's not part of the DCPC area. Unless there's a deed restriction they could end up with nothing but a bag of money. He is positive that is not what Town Meeting wanted.

Mr. MacAskill commented that if they put a preference of an historical facade restriction on it, when they come back in the Board can rate them. If someone bids \$75,000.00 and are willing to restore the entire building, that would be highly advantageous based on public comment. He feels they need to move on, they have been talking about a building that's been empty for 30 years and deteriorating fast, they're not spending \$50,000.00 on it. We will have another opportunity at this when they grade the RFP.

Town Administrator Powers noted that there is no standard Federal, State, County or local that mandates the interior of buildings. If it was deemed to be an historic place, then you have to do everything to the exterior.

Mr. Howell suggested that Mr. MacAskill draft something and have them look at it because if you move to actually go out...

Mr. MacAskill noted that they are making a motion to tell our Procurement Officer to draft an RFP that the Board can then read and approve.

Ms. Anderson moved to vote to direct the Town Administrator to prepare an RFP for 5 Bells Neck Road that includes a restriction for historical preservation of the exterior, and a value equal to or derived from the assessed value of the property 2nd by Ms. Kavanagh.

Mr. MacAskill asked if the Town Administrator needed a value or can they agree that it is the land value.

Town Administrator Powers replied that any statement like that is helpful. What he's looking for is potentially a list.

Mr. Howell commented that if there is a minimum bid, it should be stated in the RFP.

Mr. MacAskill feels the value should be the land value, the Assessor's card.

Mr. Howell asked if there's any value to doing this with a conference so everyone's on the same page.

Town Administrator Powers said that could but it would be an RFP not a bid and explained the difference. They could mandate that any questions be shared with everybody etc. etc. He added that they would have done that had other bidders been involved in this process.

Vote 5:0 in favor. Motion carried unanimously.

C. Discussion and possible vote on the Request for Proposal for Cranberry Valley and Snack Shack of Saquatucket with an update from staff.

Town Administrator Powers stated that the update is that they have received the boiler plate describing the property and marketing type statements from staff so now they will be incorporating that into a draft RFP and bring that back to the Board within a month.

Mr. Howell asked if it's going to be written so it can be evaluated to a most advantageous position.

Town Administrator Powers replied that the intent is to distribute it as one packet talking about both properties but the town is seeking any bids related to one, the other or both. He described the difference between the bids and the RFPs.

Mr. Ballantine confirmed that they will entertain separate bids so as not to lock anybody out.

D. Discussion and possible vote to convey the deeded land located at map 40, Parcel Z5-265 Sisson Road to the Harwich Affordable Housing Trust

Town Administrator Powers commented that he received a response from legal however he has to figure out what it means for the town going forward. It may be possible to bring it up on the 13th. Both parties fully executed the other documents, they're being shipped over night at the direction of council and they will let us know as soon as they're conveyed and recorded.

CONTRACTS

No contracts

December 6, 2021

TOWN ADMINISTRATOR'S REPORT

Town Administrator Powers commented that years before he had chosen Harwich as his home and this past weekend makes him very glad that he did. It's a wonderful place with wonderful activities. Kudos to everybody that made it happen.

SELECTMEN'S REPORT

Mr. Howell, no report.

Ms. Anderson, no report.

Ms. Kavanagh, no report

Mr. Ballantine, no report

CORRESPONDENCE

No correspondence

ADJOURNMENT

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

Respectfully submitted,

Judith R. Moldstad
Recording Secretary

