

RECEIVED
TOWN CLERK
HARWICH, MA

2022 APR -5 P 1:19

MINUTES
HARWICH BOARD OF SELECTMEN
Executive Session 6:00 P.M.
Regular Meeting 6:30 P.M.
Monday, December 7, 2020

APPROVED

RELEASED

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

ALSO PARTICIPATING: Interim Town Administration Joseph Powers

CALL TO ORDER

Mr. Ballantine called the meeting to order at 6:00 p.m. Mr. MacAskill made a motion to enter in Executive Session at 6:03 p.m.; seconded by Mr. Howell. Roll call vote: 5:0

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 contract negotiations. Mr. Ballantine reported that the discussions will continue at future meetings.

The Board requested a moment of silence to honor all Veterans and all those who served on Pearl Harbor Day.

WEEKLY BRIEFING

- A. COVID-19 Updates

Health Director Meggan Eldredge was present remotely. Since the packet, Harwich has gained an additional 10 active cases. At this time, Harwich has seen a total of 229 cases. The majority of the cases are coming from households which can be traced back to gatherings. Harwich has a positivity rate of 3.82%. If our rate increases to 5%, we will be placed into the red on the state reporting map, which comes along with implications of rolling back in steps of phase 3 of the re-opening plan. Cases are averaging in the 20-39 age group. Cape Cod is seeing their own surge beyond what we have seen in the past. A press conference held today with Governor Baker announced some changes to hospitals and outpatient activities due to an increase in COVID-19 hospitalizations. They have given an order to cease elective procedures starting this Friday. Hospitals are seeing surge capacities which is taking a toll on the healthcare workers. Department of Public Health has also adopted the CDC guidelines for quarantining. Along with the quarantine changes come changes in the return to work guidance. Governor Baker announced that they will be having daily press conferences and that there will be more changes coming. Cape Cod is going to have 3 test sites starting next week. One will be in Falmouth, one in Hyannis and one on the Outer Cape. The test sites will be free of charge and you do have to be a Barnstable County resident. Massachusetts is slated to receive their first shipment of COVID vaccine next week. Vaccine will first be going to healthcare workers and then to long-term care facilities followed by first responders, crucial personnel and then the general public. Barnstable County has been discussing scheduling a regional clinic, which would not be able to happen until we have enough vaccine.

Health Director Eldredge and staff have been working with town departments to try and come up with a plan to keep each other safe during the next 6 weeks. She reviewed the 4 step plan that has put in place. The plans range from the new normal which includes town buildings being open to the public by appointment only to a full remote model if necessary. Laptops have been distributed to the majority of staff. Some offices are not able to operate as remote as others because they require more in person services to make sure the program continues to run. All inspectional services continue to operate as normal.

Mr. Ballantine asked how people can make appointments. Health Director Eldredge responded that there is a phone list on the door for people to call whatever department they are looking for. Departments appreciate people calling ahead and giving as much notice as possible.

Mr. MacAskill requested that if there are going to be changes to staffing operations and/or announcements from the Governor, that information be sent straight to the Board of Selectmen and Board of Health prior to a robo call being issued.

Mr. Powers stated that the plan that the Health Department and staff have created is very comprehensive and has been well received by the department heads. DocuSign and drop box have both been utilized and working flawlessly.

Mr. MacAskill asked for an update about the library operations. Health Director Eldredge responded that she met with the Library Director and walked through the library. Prior to this week, they were operating in person and also offering curbside services. Last week, the library made the decision to limit the number of minutes that people can enter and stay inside of the building. Limiting the time people can be in the building limits the transmission possibility. People can enter the library for 15 minutes. Library staff have recommended that people have an idea of what they are looking for, or they can call or email library staff for assistance. The 2nd floor of the library has been closed which allows staff to spread out more.

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

Chamber of Commerce Executive Director Cyndi Williams was present. Last weekend a new tradition of 7 trees for 7 villages was started. The sponsored trees are lit and strategically placed around town. They held a ceremonial lighting for the tree outside of the Chamber. A virtual story time for children was held on Saturday night. Santa was at the East Harwich Cape Cod 5 Bank drive up on Saturday. Businesses are seeing an upswing in their online shopping activity. Ms. Williams announced the opening of candy store Say It Sweetly in Harwich Port. Ms. Williams commented that they have continued the festival of trees which is a fundraiser for The Family Pantry. It has currently raised \$5200.

PUBLIC COMMENTS/ANNOUNCEMENTS

A. Eversource work via helicopter

Mr. Powers stated that the town has received notice from the Eversource Community Relations Liaison to Cape Cod towns which was to make the town and public aware of Eversource work that will start this week and continue through December. The use of the helicopter is for work to be done on the high tension wires. Mr. Powers has ensured that the vendors who are doing the work have all of the appropriate insurance documents on file with the town.

ANNUAL COMMITTEE PRESENTATIONS

A. Affordable Housing Trust

Mr. Ballantine stated that this would be postponed until a later date.

B. Agricultural Commission

No one from the commission was present. Mr. Powers asked the Board to hold on this presentation.

Mr. MacAskill commented that he is not sure that the commission has a full quorum. He would like to receive an updated list of committee vacancies so any openings can be advertised.

PUBLIC HEARING/PRESENTATIONS

A. Discussion and possible vote to determine whether all property will be taxed at the same rate for Fiscal Year 2021 as set forth in Chapter 40, Section 56 of the Massachusetts General Laws

Assessor Donna Molino was present with Board of Assessor's Chair Richard Waystack.

Mr. Howell moved to open the public hearing, 2nd by Mr. MacAskill. The vote was 5-0-0 with Mr. MacAskill, Mr. Ballantine, Mr. Howell, Mr. McManus & Mr. Ford all voting aye by roll call.

Mr. Waystack stated that the Board of Assessor's is recommending that the Board of Selectmen vote a factor of 1. He added that the majority of our community is residential property. We have an estimated tax rate of \$8.60 which is a 13 cent reduction in the tax rate from last year.

Mr. MacAskill moved to close the public hearing, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Mr. Ballantine, Mr. Howell, Mr. McManus & Mr. Ford all voting aye by roll call.

Mr. Howell commented that Harwich has never done a 2-tiered approach. Mr. Waystack agreed and confirmed that in his 15 years on the Board, we have always adopted a factor of 1.

Mr. MacAskill stated that it is important to note that the even though the tax rate is going down, tax bills are increasing. Mr. Waystack agreed. Mr. MacAskill added that people's tax bills continue to climb and that we keep hearing that the town is spending money. People need to attend Town Meeting and cast their vote if they don't agree on warrant items. The town does not have control over property valuations. Mr. Waystack added that the valuations are set by the state which is based on the real estate market values. Mr. Waystack commented that there are plans in the works to assist residents who are having a hard time paying their tax bills. He encouraged residents to contact the Assessor's Office for program details.

Mr. MacAskill moved that Harwich adopt a factor of 1 property that will be taxed at the same rate for Fiscal Year 2021 as set forth in Chapter 40, Section 56 of the Massachusetts General Laws and that we do not grant an open space exemption, a residential exemption or a small commercial exemption, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Mr. Ballantine, Mr. Howell, Mr. McManus & Mr. Ford all voting aye by roll call.

CONSENT AGENDA

A. Vote to approve a Caleb Chase request in the amount of \$1,000

B. Vote to approve a Caleb Chase request in the amount of \$923.32

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

NEW BUSINESS

A. Discussion and possible vote to approve a hardship reduction for liquor license fee for Zack, Inc. DBA Castaways – 986 Main Street (Renewal request under Item C – #15)

Mr. MacAskill requested that the Board take no action on this agenda item. If the Board is going to consider these requests, there needs to be criteria that is followed. The revenues from these licenses have been voted into the budget and the requests cannot be taken lightly. Mr. Howell and Mr. McManus agreed.

Mr. McManus asked if 2 members could get together and come up with criteria. Mr. MacAskill and Mr. McManus volunteered and asked the Mr. Powers be involved in the discussions as well.

B. Discussion and possible vote to approve – M.G.L. Chapter 138, Section 15 Annual Package Store Liquor License Renewals

1. A.J. Luke's of Harwich – 224 Route 28 – All Alcohol
2. ATJX, INC. DBA Moonshine Liquors – 4 Great Western Road – All Alcohol
3. Bourne Petroleum Ltd DBA Harwich Exxon – 173 Pleasant Lane Avenue – Wines and Malt
4. Lepinay Inc. DBA Cranberry Liquors – 555 Route 28 – All Alcohol
5. Main Street Quik Pik Inc. DBA Main Street Market – 715 Main Street – All Alcohol
6. Maulik Corp. DBA Value Mart – 435 Route 28 – Wines and Malt
7. Pizza Shark Partners DBA Pizza Shark – 403 Pleasant Lake Ave – Wines and Malt
8. Portside Liquors III DBA Portside Liquors – 1421 Route 39 – All Alcohol

Mr. MacAskill asked for explanation of the off-premises package store license. Mr. Powers responded that this license is for people to purchase alcohol and consume it off-premises.

Mr. MacAskill moved to approve per M.G.L. Chapter 138, Section 15 Annual Package Store Liquor License Renewals 1-8 as presented in the packet, 2nd by Mr. McManus. The vote was 5-0-0 with Mr. MacAskill, Mr. Ballantine, Mr. Howell, Mr. McManus & Mr. Ford all voting aye by roll call.

C. Discussion and possible vote to approve – M.G.L. Chapter 138, Section 12 Annual on premise Liquor License Renewals

1. Allen Harbor Yacht Club, Inc. – 371 Lower County Road – All Alcohol
2. Beachlight LLC DBA Seal Pub – 703 Main Street – All Alcohol
3. Blue Stripe LLC DBA Cape Sea Grille – 31 Sea Street – All Alcohol
4. BLM Restaurant Group, Inc DBA Lanyard Bar and Grill – 429 Route 28 – All Alcohol
5. Ember Pizza, Inc. DBA Ember – 600 Route 28 – Wines and Malt
6. First Crush Winery Cape Cod LLC DBA First Crush Winery – 527 Main Street – Wines Only
7. Four Hundred East, Inc. – 1421 Orleans Road – All Alcohol
8. Harwichport House of Pizza, Inc. – 330 Route 28 – All Alcohol
9. Harwich Port Seafarer, Inc. DBA Harwich Port Seafarer – 86 Sisson Road – All Alcohol
10. Hot Stove, Inc. DBA Hot Stove – 551 Route 28 – All Alcohol
11. Morningstar Restaurant, Inc. DBA Villa Roma – 278 Route 28 – All Alcohol
12. Shogun Inc. DBA Noble House – 21 Route 28 – All Alcohol
13. Shooting Star Realty LLC DBA Bucas Restaurant – 4 Depot Road – All Alcohol
14. Spyridon and Aglaia Christakis DBA Georges Pizza House – 564 Route 28 – Wines and Malt
15. Zack, Inc. DBA Castaways – 986 Main Street – All Alcohol

Mr. MacAskill asked if there are any businesses listed in the packet that have open liquor, COVID or entertainment license violations and if so, would the Board have the authority to not renew a license due to open violations or pending or scheduled hearings. Mr. Powers responded that establishment # 5 on the list has alleged violations. If the Board is looking to take action against the renewal, he urged the Board to set it aside and have a separate hearing as to why the license should or should not be renewed. He could then follow up with legal and seek advice on what steps the Board could take for a separate hearing.

Mr. MacAskill would like to remove establishment # 5 from the list because he believes that the license is incorrect. The first page on their liquor license renewal states that it is a package store, which is incorrect. Mr. Ballantine responded that he check with staff and confirmed that the ABCC put the incorrect information on the application. Mr. MacAskill stated that until it has been corrected, he does not want to vote on it.

Mr. Powers confirmed that it is a scribner's error that was created by the ABCC. Staff has made contact with the ABCC and informed them of the error. Given that the applicants had to submit their renewal materials dated by the end of November, it is the understanding of Mr. Powers that the Board can approve the license as how it should be, not how it is listed. The notice on the agenda is correct. Staff is not allowed to change the ABCC form unless or until the Selectmen take action. Mr. MacAskill noted that this happened last year also.

Mr. MacAskill moved to approve M.G.L. Chapter 138, Section 12 Annual on premise Liquor License Renewals 1-4 and 6-15 as presented in the packet, 2nd by Mr. Ford. The vote was 5-0-0 with Mr. MacAskill, Mr. Ballantine, Mr. Howell, Mr. McManus & Mr. Ford all voting aye by roll call.

D. Vote to approve The Compact of Cape Cod Conservation Trusts approval of two conservation restrictions (CR)

Harwich Conservation Trust Executive Director Michael Lach was present with the Compact of Cape Cod Conservation Trust Executive Director Mark Robinson. Mr. Lach provided background information on the 2 proposed land donations and proposed conservation restrictions. One parcel is approximately 3.5 acres in East Harwich within the Pleasant Bay watershed which is currently owned by Judith Miller. The other parcel is approximately 6.65 acres and located Northwest of Hinkleys Pond and the Herring watershed and is currently owned by Jacob Brown II. Both properties are located in a Zone II and are adjacent to existing conservation land and will offer open space connectivity

as well as habitat. The Conservation Commission has voted their support of this request. Our Water Department Superintendent has also stated his support. Each land donor is eligible for a state conservation land tax credit. There will not be any property interest held by the town and therefore no management responsibility or associated cost.

Mr. Ballantine stated that this would take the properties off of our tax role. Mr. Lach responded that removing these from the tax base would represent a fraction of a cent of the overall tax rate. He feels that a net benefit would be a reduction in sewerage needs. Mr. MacAskill asked if we would get a waste water credit for this. Mr. Ballantine responded that we should get a small one.

Going forward, Mr. MacAskill would like to have comments from town counsel included in the packet information.

Mr. Powers asked for clarification on the documents provided in the packet in regards to the required signatures and whose signature needs to be notarized. Mr. Robinson responded that the majority of the Board would need to sign the document and that the notary can be for any one of the signatures, but that it is usually the Chair. Mr. Robinson added that he can change the notary block however the Board would like.

Mr. MacAskill moved to approve The Compact of Cape Cod Conservation Trusts approval of two conservation restrictions (CR) for the 3.52 acre parcel owned by Judith Miller shows on Map 98 Parcel E3 and a 6.65 acre parcel owned by Jacob F. Brown II on Map 90 Parcel B1-3 and that the Selectmen determine that the Conservation Restrictions protect the public interest, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Mr. Ballantine, Mr. Howell, Mr. McManus & Mr. Ford all voting aye by roll call.

The Board thanked the property owners for their donations and also thanked Mr. Lach and Mr. Robinson for their work on protecting our land.

- E. Discussion and possible vote to authorize the Chair to sign FY21 Community Compact IT Grant Award documents (Award of \$67,500)

Mr. Powers provided background information on the grant.

Mr. MacAskill moved to authorize the Chair to sign FY21 Community Compact IT Grant Award documents in the amount of \$67,500, 2nd by Mr. Ford. The vote was 5-0-0 with Mr. MacAskill, Mr. Ballantine, Mr. Howell, Mr. McManus & Mr. Ford all voting aye by roll call.

CONTRACTS

- A. Discussion and possible vote for the Board of Selectmen to execute contract with Champion Salt, LLC for road salt for the Department of Public Works for a unit cost of \$49.63 per ton and not to exceed total sum of \$99,260.00

Mr. McManus noted that the agenda reads one total sum amount and that the procurement form reads an amount of \$45,000. Mr. Powers responded that municipalities are allowed to deficit spend if needed. The DPW Director expects the amount of \$45,000 to be sufficient, but if not, amounts can be corrected at the end of the year.

Mr. MacAskill stated that as a group, the Board voted a checklist for contract items. When the motion was made, the checklist was a simple form that was signed by the chief procurement officer which included information on the contracts and documents that are in the file. He found that form to be easier than what we are currently seeing. Mr. Powers responded that when he was brought in, he was tasked by the Board to get away from the checklist that was being used because department heads found it too cumbersome and confusing. The Board agreed that they would like to have the old checklist brought back and also to know what the concerns about the checklist are.

Mr. Howell feels that the previous checklist was a roadmap that showed all of the steps in getting the approval.

Mr. MacAskill moved to execute the contract with Champion Salt, LLC for road salt for the Department of Public Works for a unit cost of \$49.63 per ton and not to exceed total sum of \$99,260.00, 2nd by Mr. Ford.

The vote was 5-0-0 with Mr. MacAskill, Mr. Ballantine, Mr. Howell, Mr. McManus & Mr. Ford all voting aye by roll call.

B. Discussion and possible vote - Lease Agreement for John Deere Equipment for Cranberry Valley Golf Course

1. Authorize the purchase of Cranberry Valley Golf Course Maintenance Equipment from John Deere procured through State Contract FAC88 - \$444,881

Mr. Powers stated that in order to accomplish this, our Finance Director found a leasing mechanism through TD Bank that has a 1.7% interest.

Mr. MacAskill noted that information regarding opinions from town counsel are not in the packet and feels that the Board should refrain from voting at this time. Finance Director Carol Coppola was present and stated that she can provide the Board with the legal opinions. The Board and Ms. Coppola had a discussion on the memos that were provided in the packet. Mr. Howell added that any vote the Board takes would be predicated on the legal opinions.

Mr. Ford feels that with assurances from the Finance Director, the Board should move ahead.

Mr. Ford moved to authorize the lease of Cranberry Valley Golf Course Maintenance Equipment from John Deere procured through State Contract FAC88 - \$444,881 contingent upon the Board of Selectmen receiving further documents from the Finance Director and also vote to authorize a 5 year lease as the funding mechanism through TD Bank, at an interest rate of 1.7% - Annual payments of \$92,000.96, 2nd by Mr. Howell. The vote was 4-1-0 with Mr. Ballantine, Mr. Howell, Mr. Ford & Mr. McManus voting aye and Mr. MacAskill voting nay by roll call.

2. Discussion and possible vote to Authorize a 5 year lease as the funding mechanism through TD Bank, at an interest rate of 1.7% - Annual payments of \$92,000.96

This vote was combined with the previous agenda item.

TOWN ADMINISTRATOR'S REPORT

Mr. Powers responded that there was a need for the DPW facilities maintenance to acquire materials that relate to the Community Center generator. Replacement of the generator is in the FY25 Capital Plan, however in the meantime it was necessary to purchase materials. Also received was a request for a reserve fund transfer. Mr. Powers stated that the appropriate step would be to fund this under a DPW line item than rather a reserve fund transfer at this time.

Mr. Powers reported that he would be meeting with the Capital Outlay Committee on Friday to present the draft FY22 capital plan. The charter required meeting with the Finance Committee is scheduled for December 15 at 6:30 p.m. Followed by that will be a meeting on December 21 with the Selectmen, Finance Committee and Capital Outlay meeting.

Mr. Powers will be participating in a procurement class from Tuesday through Thursday of this week. The class will be related to design and construction services.

The Selectmen will be meeting tomorrow night for a meeting dedicated to all topics relating to wastewater.

SELECTMEN'S REPORT

Mr. MacAskill stated that he is not sure that the public was given enough notice to participate in tomorrow's wastewater meeting. Mr. Ballantine stated that this meeting is just the starting point and that there will be multiple follow up meetings.

Mr. MacAskill requested an update on where the town is with tax collections. He also requested an update on open legal cases. He has received an email from resident Jeffrey Locantore. Mr. Locantore has been lobbying to get some sort of housing for disabled people established in Harwich. His current proposal is specific to the Bank Street Fire House. While that site might not be the best use for housing, Mr. MacAskill feels that the Board should discuss the proposal as a whole.

With respect to a legal case update, Mr. Howell would like to have Town Counsel present for the discussion.

Mr. Howell received a call back from the Deputy Director of the Cape Cod Commission relative to our eligibility to receive funds from the tax that is allocated for wastewater. Mr. Ballantine agreed to schedule this for a future agenda.

Given the holiday season, Mr. Howell urged everyone to stay safe.

Mr. McManus reported that the Harwich Cranberry Festival Committee has made a donation to the food pantry. The Cape Cod Kwainis Club made a donation to the toy drive.

ADJOURNMENT

Mr. MacAskill moved to adjourn the meeting of the Board of Selectmen at 8:30 p.m. 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Mr. Ballantine, Mr. Howell, Mr. McManus & Mr. Ford all voting aye by roll call.

Respectfully submitted,

Jennifer Clarke
Recording Secretary

