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MINUTES
SELECTMEN'S MEETING
MONDAY, DECEMBER 14, 2020
6:30 P.M. - REGULAR MEETING
REMOTE PARTICIPATION ONLY

APPROVED
RELEASED

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

ALSO PARTICIPATING: Town Administrator Joseph Powers

CALL TO ORDER

Mr. Ballantine called the meeting to order at 6:30 p.m.

WEEKLY BRIEFING

Harwich has been determined to be a high risk community when it comes to COVID-19. Mr. Powers and Health Department staff participated in a COVID-19 enforcement and intervention team presentation where various state agencies review what kind of support high risk communities can expect. Unfortunately a stop the spread test site has not been proposed for Barnstable County.

The ABCC sent an advisory to liquor license holding establishments last week to follow up on Governor Baker's order regarding phase 3 step 1.

Health Director Meggan Eldredge was present and stated that Barnstable County has identified 3 test site locations in conjunction with Cape Cod Healthcare and Outer Cape Health Services. The sites will be located at the fairground in Falmouth, the Melody Tent property and then Outer Cape Health Services will have open sites on various days at their 3 locations, depending on the need.

A. COVID-19 Updates

Health Director Eldredge confirmed that Harwich has a positivity rate of over 5% and we have seen more than 25 positive cases within a 2 week period. The positivity rate is based on the number of people who are tested for COVID-19, not the total population. Most of the positive cases have a household connection. Harwich is currently tracking 36 active cases. It is important for the community to know that we are high risk and to be aware of the activities that you are taking part in or increase your social circle. Harwich saw 10 new cases over the weekend and 5 of them were Monomoy Regional School students.

Cape Cod Hospital and Falmouth Hospital currently have 37 hospitalized with COVID-19 and 8 in the ICU. That is an increase of 10 new patients over the last 4 days.

Yesterday, the statewide rollback to step 1 of phase 3 went into effect. Because hospital space is decreasing, the state has had to open 2 field hospitals. This rollback lowers the gatherings to 50 people outside and reduces the capacity of buildings to 40%. Tables at restaurants are back to 6 patrons, no music is allowed inside or outside and there is a time limit of 90 minutes that people can be inside of the restaurant.

Cape Cod has received its first shipment of COVID-19 vaccine. Cape Cod Healthcare will be starting to vaccinate their staff. Health Director Eldredge provided a copy of the vaccine distribution plan. Harwich will be partnering Board of Selectmen

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with Barnstable County and the Visiting Nurse Association to distribute vaccine once enough has been received. The vaccine requires sub-zero temperature holding and Barnstable County will be storing vaccine for most towns on the cape.

Ginny Hewitt was present to provide updates on Brooks Library services based on the high risk announcement. Last week it was decided that they needed to suspend in person browsing and have gone back to a curbside only model. While she regrets having to make this change, the library feels that it is the right call. Library staff is happy to assist patrons in finding items. Requests can be made online at brooksfreelibrary.org or by calling 508-430-7562.

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

Cyndi Williams was present and stated that this is the last week for the festival of trees fundraiser. This year's fundraisers has already exceeded last year's amount. With the rollback, bids are being accepted via email and phone and all information can be found on the chamber's website. Ms. Williams commented that many of our stores have online shopping available and added that if you are going to shop online, you should shop local. It is very important that we continue to support all of our small businesses. The chamber's website will be updated with information on what restaurants will be staying open and what their hours of operation will be.

PUBLIC COMMENTS/ANNOUNCEMENTS

Mr. Ballantine announced that Jim Hilliard has resigned from the Zoning Board of Appeals. Mr. Hilliard was thanked for his service and the Board wished him the best. Mr. Howell added that the Zoning Board of Appeals is running short on members and asked that if anyone is interested, that they step forward.

ANNUAL COMMITTEE PRESENTATIONS

A. Board of Assessors

Richard Waystack was present and briefly reviewed the report that was provided to the Board. He thanked the members the committee for their service. Mr. Waystack commented that we are still waiting for our state certification of Harwich's tax rate. Between Christmas and New Year's we will likely be receiving our next tax bills where people will see the value of their property. This would be a good time for residents to review their information and if they wish to challenge the value, to file an abatement. Abatement applications can be filed between January 1 and February 1 and must be filed at the Assessor's Office. Applications need to be postmarked no later than February 1. Mr. Waystack reviewed the different programs in town where residents can defer their taxes. They also hope to be able to bring forward a few different other tax programs in the next year or 2.

B. Council on Aging

Richard Waystack was present and briefly reviewed the report that was provided to the Board. He thanked the council members as well as COA Director Emily Mitchell and her staff. Mr. Waystack commented that he doesn't think the residents and tax payers have a true understanding of how many people avail themselves to the services of the COA. The COA has started to be able to offer more onsite programs. Budget wise, the COA is not able to use the non-profit status for the mailing of their newsletter, which is a lifeline to many of our residents. He thanked the Friends of the COA have to offered to help with postage for next year. The COA has over 90 volunteers who assist.

Mr. Waystack stated that there is one vacancy on the COA board and asked that the Selectmen agenda an item to have one of their associate members appointed as a regular member.

Mr. McManus commented that the COA also has a good partner with the Friends of the COA and added that they could use a few more hands pulling on the oars to keep things running.

C. Board of Health

Pamela Howell was present and briefly reviewed the report that was provided to the Board. This has been the most challenging of years for the Board of Health. Much of the focus of the Board was working in conjunction with the Health Director on COVID-19 related matters. Even with COVID, the daily work of the Board of Health and Health Department kept on moving forward.

Mr. Ballantine commented that the Board of Health is a great example of still being able to conduct business during the lockdown.

PUBLIC HEARING/PRESENTATIONS

None discussed.

CONSENT AGENDA

None discussed.

NEW BUSINESS

- A. Discussion and possible vote to approve – New Seasonal Innholders License – On the Harbor LLC DBA Allen Harbor Inn – 326 Lower County Road

Mr. MacAskill moved to approve the new seasonal innholders license for On the Harbor LLC d/b/a Allen Harbor Inn, 326 Lower County Road, 2nd by Mr. McManus. The vote was 5-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell, Mr. Ford & Mr. McManus all voting aye by roll call.

- B. Discussion and possible vote to approve - M.G.L. Chapter 138, Section 12 Annual on premise Liquor License Renewals
1. Brax Restaurant Management Inc. DBA Brax Landing – 705 Main Street – All Alcohol
 2. Harwich Inn and Tavern LLC DBA Harwich Inn and Tavern – 77 Route 28 – All Alcohol

Mr. MacAskill moved to approve as per M.G.L., Chapter 138 Section 12, annual on premise liquor license renewals as listed in the packet, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell, Mr. Ford & Mr. McManus all voting aye by roll call.

- C. Discussion and possible vote to approve – Annual Common Victuallers License Renewals
1. Dent Donuts LLC DBA Dunkin Donuts – 175 Route 137
 2. Dent Donuts LLC DBA Dunkin Donuts – 481 Route 28
 3. Hot Stove Inc. DBA Hot Stove Saloon – 551 Route 28
 4. Murphy/Torres LLC DBA Upper Crust Pizza – 1421 Orleans Road
 5. Shogun Inc. DBA Noble House – 21 Route 28

Mr. MacAskill moved to approve the annual common victuallers license renewals as listed in the packet, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell, Mr. Ford & Mr. McManus all voting aye by roll call.

- D. Discussion and possible vote to approve – Annual Auto License Renewals
1. Bassil Brothers Inc. DBA Unified Gas – 570 Route 28 - Class IV Auto Repairman
 2. BB's Automotive – 805 Route 28 – Class II Used Car Dealer
 3. Cape and Islands Collision, Inc. DBA Cranberry Collision – 161 Queen Anne Road - Class IV Auto Repairman
 4. Cape and Islands Collision, Inc. DBA Cranberry Auto LLC – 161 Queen Anne Road - Class II Used Car Dealer
 5. Carlos Tapia Inc. DBA JC Auto Sales – 195 Queen Anne Road – Class II Used Car Dealer

6. Dave's Garage -- 910 Route 28 -- Class IV Auto Repairman
7. Nick and Claudine Enterprises LLC DBA West Harwich Sav-on-gas -- 4 Route 28 -- Class IV Auto Repairman
8. Reflections Auto Restoration and Collision -- 4 Evergreen Way -- Class IV Auto Repairman
9. Sam's Auto Repairs and Sales Inc. DBA Sam's Automotive Center -- 413 Route 28 -- Class II Used Car Dealer and Class IV Auto Repairman
10. Scott D. Hardy DBA Scott's Cycle -- 210 Queen Anne Road -- Class IV Auto Repairman
11. Steven's Auto Repair -- 216 Main Street -- Class IV -- Auto Repairman
12. Wayne's Auto Service -- 643 Main Street -- Class UV Auto Repairman

Mr. Powers stated that # 12 for Wayne's Auto Service has a scribner's error on the agenda should be class IV, not UV.

Mr. MacAskill moved to approve the annual auto license renewals as listed in the packet, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell, Mr. Ford & Mr. McManus all voting aye by roll call.

E. Discussion and possible vote approving Section 1.07 of the Harwich Board of Selectmen Liquor License Regulations requests for closure by licensed establishments:

- a. Mad Minnow Bar & Kitchen -- 554 Route 28 - Seasonal All Alcohol license - Seeking to close early for the season due to COVID-19
- b. 3 Monkey's -- 554 Route 28 - Seasonal All Alcohol license - Seeking to close early for the season due to COVID-19
- c. Lanyard Bar & Grill -- 429 Route 28 -- Annual All Alcohol license -- seeking to temporarily close due to COVID-19

Mr. MacAskill moved to approve Section 1.07 of the Harwich Board of Selectmen Liquor License Regulations requests for closure by licensed establishments as listed in the packet, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell, Mr. Ford & Mr. McManus all voting aye by roll call.

F. Discussion and possible vote to approve the SewerCAD Modeling Contract and Phasing Plan-- \$150,000

Wastewater Superintendent Dan Pelletier was present. This agenda item is for the Board to decide if they want to pursue the sewer CAD modeling and if so, find the suitable funding source. Mr. Ballantine stated that he wanted to bring this back as there are some serious and expensive decisions that need to be made. We need to have as much data as possible and have that data be factually correct before making decisions.

Russ Kleekamp was present and commented that this modeling would be to expand the model that currently exists and would include all of the proposed areas of expansion, which is fairly substantial.

Mr. Powers stated that he is not prepared to make a final recommendation as we are trying to figure out what level of assertion is available. Staff has been meeting on a regular basis and is prepared to speak to the merits of the contract however this needs to be a board discussion.

Mr. Howell commented that he would rather spend the \$150,000 on this than 15 million dollars throwing darts at the wall.

Mr. McManus stated that he would be interested in moving ahead with this project to gain more information. Mr. Ford agreed with both Mr. Howell and Mr. McManus' comments.

Mr. MacAskill agreed as far as the importance of the project and how good this would be for the town, but thinks that we might be getting a little ahead of ourselves. There are still unanswered questions of not fulfilling our deal with Chatham and the tax payers who will be sending their flow to Chatham. He would like to see all questions answered before moving forward. Based on the budget message this year and how serious we are about it, Mr. MacAskill would like to know where we are going to find the funding for this.

Mr. Ballantine would like to see full court press and have open discussions with everyone. We need more people to be aware of what is happening.

Mr. Howell stated that his understanding of the CAD modeling is to revisit some of what we are doing to see if it is necessary to proceed and see if some targets need to be changed. The sewer CAD model would give us the information to work through a possible re-phasing exercise.

Mr. Powers noted that given that we are in a difficult budget time, that we need to appropriate where the funds will be coming from under the correct article. He added that we are still analyzing a previous appropriation from the CWMP. Appropriation is critical and we are not looking to take the funding away from other departments.

Mr. Ballantine suggested that the Board schedule a standalone meeting during the first week in January solely relating to wastewater.

Mr. Powers stated that if the Board is agreeable to holding another dedicated meeting that they come up with a date tonight in order to give as much notice as possible. Mr. MacAskill suggested pushing the meeting past the first week in January as there is still a fair amount that the Board needs to accomplish.

The Board and Mr. Powers had a discussion on a possible meeting date. It was decided to hold the meeting on January 12, 2021.

G. Discussion and possible vote – Instruct Town Staff to pursue wastewater cost saving and sharing opportunities with MassDOT and Water Department

Mr. Pelletier had a call today from the DPW Director who had a meeting with MassDOT regarding the Route 28 pavement project. This is one opportunity for cost saving as well as the warrant article from the Water Department for replacing the water main on Route 28. If we are going to look at making this a combined project, it is possible to push back the Water Department project. Mr. Pelletier is looking for direction from the Board on how they would like to proceed.

Mr. Pelletier briefly reviewed the MassDOT project which is slated for 2024, adding that he will be following up with the DPW Director tomorrow.

Mr. MacAskill feels that the Board is not in any position to be making a decision yet. He commented that Orleans voted at Town Meeting to spend a certain amount of money putting pipes in the ground in an area that they will not be sewerage for 5-7 years. He would like Mr. Pelletier to try and make sense of the information that is being provided and if it is cost effective to put some pipes in the ground for an area

that we are not going to be sewerage right away. Mr. Pelletier responded that part of these cost saving and cost sharing opportunities are why he is advocating for smaller more frequent construction projects.

Mr. Powers stated that at this point, we need to let MassDOT know if we are interested.

Mr. McManus added that if we don't move ahead with this and replace the water main, and the water main fails in that section of road, there are significant penalties in opening a road that has just been paved.

H. Update on current tax collection rate

Amy Bullock was present and provided the Board with a brief synopsis on where we are with tax lien information. The owners unknown and unknown locations have been removed which leaves a balance of \$882,594. 201 properties have been redeemed and there are 93 remaining. Current collections for FY21 taxes are down about 6% from this time last year and there are approximately 98 FY20 tax bills that are still unpaid. Letters were sent to these properties at the end of August. Ms. Bullock will be pursuing those in tax lien after the holidays. We have added \$52,773 of fees to tax lien bills.

Mr. MacAskill thanked Ms. Bullock for the information and stated that he would like to bring this back for further discussions with the Selectmen, Real Estate & Open Space and Town Counsel. In previous discussions, Mr. MacAskill has brought up a couple of large parcels of land that have not been brought forward. We continue to allow people to piece together parcels of land and then bring them forward to be put on the tax rolls when they want to do a project. Mr. MacAskill is still looking for information relative to the sand pit and supposed solar project. Mr. Ballantine suggested an agenda item for early February.

I. Update of the Cape & Islands Water Protection Fund

The Board wants to make sure that the community has the information on how to find out if they are eligible for this fund and how to apply. Mr. Howell would like to take more time to discuss the draft regulations.

J. Discussion of the Dennis Harwich Yarmouth (DHY) Draft Agreement

Mr. Ballantine feels that this will be discussed in more detail at the early January standalone meeting.

Mr. Powers stated that this is a draft that has gone through numerous changes of the DHY subgroup. They have been meeting monthly during the pandemic. Dennis Board of Selectmen have endorsed the concept of the agreement and they are planning an article for Annual Town Meeting in early spring. Yarmouth held a dedicated meeting last Thursday. The Yarmouth Board of Selectmen are scheduled to vote on the acceptance of the language at a spring 2021 Town Meeting.

Mr. Ballantine noted that we would be responsible for 14% of the capital costs of the plant. If we move forward, we would be approving the concept and the capacity plan would come the following year. We need to figure out a total plan that we are all comfortable with.

Mr. MacAskill feels that it would be helpful to have an update from the DHY subcommittee. He would like to understand what has changed since the last version of the documents and where we are still stuck. Mr. Ballantine and Mr. Howell responded that they would get together and highlight specific changes.

Sandy and Clara McLardy were present. Clara McLardy feels that Harwich may have options that Dennis and Yarmouth don't have because we are on a different scale. Prior to COVID, Sandy McLardy spoke with George Heufelder at Barnstable County. He is an expert on all things that might work for Harwich. There are some new emerging septic technologies that might be viable options. Clara McLardy feels that everyone who understands and studies this information in depth knows that composting toilets are the Board of Selectmen

best way to handle human waste and she would like to see that option explored. Clara McLardy is concerned about contaminants and well as climate change. She is not sure if the modeling system that is being proposed might help figure out other viable options. She would hate to see people taxed out of town supposedly in the name of the environment when there are affordable solutions that would protect our community.

Mr. Ballantine noted that Ms. McLardy raised an interesting comment on emerging technologies however there are some things that might need to be modified before they could be put in place.

OLD BUSINESS

- A. Discussion and possible vote for the Board of Selectmen to approve the participation in the contract for Harwich municipal electric accounts through Cape Light Compact

Maggie Downey and Austin Brandt were present to ask the Board how they want to participate in the contract for Harwich. They meet with the Boards every couple of years to ask about participation. Bids are due on December 17. In the past, it has been the Town Administration who has signed on behalf of the town. Over the years, some of the Selectmen have joined as well.

- B. Vote to Authorize the Interim Town Administrator to execute contract with selected competitive electric supplier on behalf of the Town of Harwich

Mr. MacAskill moved to authorize the Interim Town Administration to execute contract with selected competitive electric supplier on behalf of the Town of Harwich, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell, Mr. Ford & Mr. McManus all voting aye by roll call.

CONTRACTS

No contracts were discussed.

TOWN ADMINISTRATOR'S REPORT

Mr. Powers asked the Board how they want to handle the upcoming meeting schedule. He recommended that the Board meet again on January 3. He is also looking for guidance from the Board on possible early release on Christmas Eve and New Year's Eve, which has been standard protocol. The Board agreed for early release.

Mr. Powers noted that last week the Board received legal information on license renewals during hearings for alleged violations. The legal opinion concludes that the Board may consider evidence in determining to renew licenses and may vote to deny renewal if after a public hearing there is a finding that supports that decision.

Mr. Powers reported that the first review of applications for the Assistant Town Administrator position will begin after January 4. Approximately 60 applications have been received and about half have been vetted to meet qualifications.

Mr. Powers has been working to find a vendor to find the appropriate equipment to be able to conduct closed circuit meetings for alleged violation hearings. We have a date certain in early January and the plan has been vetted by the Health Department. He will be presenting the information to the Board after receiving final information from counsel. Mr. MacAskill noted that some residents have asked to provide testimony during these hearings. Mr. Powers responded that their testimony will have more purpose during the renewal hearings. Mr. MacAskill asked how

the process would work if an establishment has an alleged violation hearing and if their license isn't renewed by the end of the year. Mr. Powers responded that the general concept is that the establishment would retain the license unless it has been revoked by a hearing. He has a call scheduled with counsel to go over all particulars of the hearings.

SELECTMEN'S REPORT

Mr. McManus reminded Mr. MacAskill that they need to get together to discuss their volunteer commitment from last week.

Mr. MacAskill requested that the document that Ms. Bullock reviewed tonight be provided to the Board.

ADJOURNMENT

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

Respectfully submitted,
Jennifer Clarke
Recording Secretary