

RELEASED

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TOWN CLERK
HARWICH, MA

MINUTES
SELECTMEN'S MEETING
TOWN HALL

2022 APR 26 P 12:00 MONDAY, DECEMBER 21, 2020
6:00 P.M. – EXECUTIVE SESSION
6:30 P.M. - REGULAR MEETING
REMOTE PARTICIPATION ONLY

APPROVED

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

ALSO PARTICIPATING: Interim Town Administrator Joseph Powers

CALL TO ORDER

Mr. Ballantine called the meeting to order at 6:00 p.m. with Mr. Ballantine, Mr. MacAskill, Mr. Howell & Mr. McManus all voting aye by roll call.

EXECUTIVE SESSION

- A. Pursuant to M.G.L. c. 30A section 21 (a) paragraph 3 to discuss with respect to collective bargaining for Harwich Employees Association (HEA) and the Highways and Maintenance Employees Association. (HMEA) if an open session would have a detrimental effect on the town's bargaining position and the Chair so declares

Mr. Powers reported that tonight's meeting did not begin with an Executive Session.

WEEKLY BRIEFING

A. COVID-19 Update

Health Director Meggan Eldredge was present. She reported that Harwich has gone from red to yellow on the states reporting map. While our case counts have been increasing, our positivity rate has been decreasing. Harwich is up to 271 cases of COVID-19 which includes 6 new cases that were reported over the weekend. We are currently tracking 32 active cases. Cases range from ages 15 to 97 and we are now seeing household exposure as the number one source of transmission. Over the last 2 weeks, more tests were administered which is why the positivity rate has gone below the 5% threshold. Harwich is working well with the Visiting Nurse Association to make sure that cases are tracked and close contacts are notified. COVID-19 vaccines have been administered to hospital and healthcare workers. First responders will be vaccine in the next round, slated for January. Public clinics will be scheduled for April. Ms. Eldredge reminded everyone to be safe during the holiday season.

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

Harwich Chamber of Commerce Executive Director Cyndi Williams was present. Ms. Williams thanked everyone who donated trees, items or gift cards to the Festival of Trees Event. This year's event raised \$12,500 for the Family Pantry.

PUBLIC COMMENTS/ANNOUNCEMENTS

Monomoy Superintendent Dr. Scott Carpenter was present to briefly review information on the Monomoy School Elementary School reconfiguration information that was provided to the Board. There is a subgroup that has been formed between Harwich and Chatham which includes town officials including Selectmen, Finance Directors, Town Administrators/Managers and school committee members from each town. Dr. Carpenter will be making an official presentation to the Town of Chatham tomorrow night, which will focus on 2 of the school committee goals. One of the goals is to establish a working group and hold a meeting early in the process about the regional agreement for the elementary level. One of the things that was unforeseen was that the loss of school age children in Chatham is happening at a faster rate than in Harwich. The challenge is that when you are running an elementary school, you have fixed costs. As your enrollment gets smaller, the fixed costs get spread out across a smaller group of students. There is also a parallel school committee goal which is to organize a community forum to discuss with stakeholders what sort of elementary level development program would be ideal in looking at the future of Monomoy. The school committee has been working on surveying families at the elementary level. Dr. Carpenter stated that he will be back after the New Year with a formal presentation to Harwich.

ANNUAL COMMITTEE PRESENTATIONS

A. Brooks Academy Museum Commission

David Spitz was present. He reported that the commission has a full membership and attendance at meetings has been good. Minutes are up to date and they are almost up to date with their ethics testing. A detailed report from the commission was provided to the Selectmen. 2 years ago, with an architects report, the commission intended to add an elevator to the building for accessibility reasons. While it was an optimistic project, the Community Preservation Committee directed the commission to begin with a structural analysis. Structures North completed that analysis and it was determined that the building is in good shape, but that the foundation needs work. The original estimate of \$200,000 turned out to be low. Structures North met with the Town Engineer, Facilities Manager and Mr. Spitz and provided a report. The commission has applied to CPC for the structural foundation work. This would be done by supporting the building and pouring a 4' concrete foundation for the old section of the building. This work would be a minimum of \$500,000. It was a unanimous decision of the commission that this would be the time to go down with 8' walls and create a basement and storage area, which has been proposed to CPC. There have been 2 very positive grant opportunities that have been identified which if successful, would be upwards of \$300,000. Mr. Spitz stated that the commission would be seeking support from the Selectmen for the grant applications. Mr. Ballantine directed Mr. Spitz to work with Mr. Powers on drafting a letter of support to be presented to the Selectmen for their review.

Mr. Ballantine asked if the elevator was ever installed. Mr. Spitz responded that is has not, but has been worked into the plans. Mr. Spitz added that this project will not affect the Crowell Barn in any way.

Mr. McManus feels that it would be a benefit to add the full basement.

Mr. Ballantine asked if they commission would expect to have refined estimates in time for Town Meeting. Mr. Spitz responded that he believes they would.

B. Brooks Free Library Board of Trustees

Joanne Brown was present. A detailed report from the trustees was provided to the Selectmen. The trustees are very happy with how the library director and staff have continued to serve the Town of Harwich during this difficult year. Ms. Brown extended the trustees appreciation to the Friends of

Mr. Ballantine asked if the library is seeing an increase in use of online resources. Library Director Ginny Hewitt was present and responded that the use of online resources continues to grow. Ms. Hewitt encouraged people to call the library if they would like assistance in picking out materials.

Mr. Howell commented that Ms. Hewitt and her staff have done a remarkable job of going with the flow and keeping everyone safe while still keeping the library resources available.

C. Board of Water/Wastewater Commissioners

No one was present on behalf of the commissioners. Staff will work to reschedule.

PUBLIC HEARING/PRESENTATIONS

- A. Presentation, discussion and possible vote on the Fiscal Year 2022 Capital Outlay Plan in Joint Meeting with the Capital Outlay Committee and Finance Committee

Mr. Chorey called the meeting of the Finance Committee to order by a roll call vote with Mr. Chorey, Mr. LaMantia, Mr. Tworek, Mr. Ameres & Mr. Kennedy all voting aye by roll call.

Mr. Nightingale called the meeting of the Capital Outlay Committee to order by a roll call vote with Mr. Nightingale, Ms. Donahue, Mr. LaMantia & Mr. Chorey all voting aye by roll call.

Mr. Powers stated that at the conclusion of this discussion, he would request that it be held over until another meeting so he can incorporate the full capital plan as required by charter. The Capital Outlay Committee met on December 7 to review the plan and vote to transmit it to the Finance Committee. The Finance Committee held a public hearing on December 15 with full notice as required.

Mr. Powers reviewed the information that was provided in the packet. We are looking at a 20 million dollar capital plan for FY22. There is approximately 3.4 million dollars in potential projects that are either funded through free cash, operating budget or are still unclassified. The plan also includes 4 items that are identified as potential debt exclusions.

The Board discussed having further review once a more expanded document is available. They also discussed the charter and bylaw requirements.

Mr. Nightingale noted a discrepancy on page 2 under the Allen Harbor jetty project. Mr. Powers responded that the information has since been updated and will be provided on the expanded document to come.

Mr. Powers stated that we have met our obligations under the charter.

Ms. Donahue suggested adding a column that shows what we want to vote on the capital plan and leave the existing other columns until all of the details have been finalized through town meeting.

Mr. Tworek moved to adjourn the meeting of the Finance Committee, 2nd by Mr. Chorey. The vote was 5-0-0 with Mr. Chorey, Mr. LaMantia, Mr. Tworek, Mr. Ameres & Mr. Kennedy all voting aye by roll call.

Mr. Nightingale moved to adjourn the meeting of the Capital Outlay Committee, 2nd by Ms. Donahue. The vote was 4-0-0 with Mr. Nightingale, Ms. Donahue, Mr. LaMantia & Mr. Chorey all voting aye by roll call.

Mr. MacAskill suggested inviting the same group back for a meeting as soon as the expanded document is available.

CONSENT AGENDA

- A. Vote to approve the Caleb Chase request in the amount of \$1,000
- B. Vote to approve the appointment of Elizabeth Harder to the Community Preservation Committee

Mr. MacAskill moved to approve the consent agenda as listed, with Ms. Harder's term to expire on June 30, 2021, 2nd by Mr. Howell. The vote was 4-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell & Mr. McManus all voting aye by roll call.

NEW BUSINESS

- A. Discussion and possible vote to support pending MA legislature bills to name the Rt.137 bridge "The Hidden Wounds Memorial Bridge." - Revised 12/18/2020 11:30AM

John Dickson & Pat Johnson were present. Mr. Dickson's 8th grade class last year took on Veteran's issues and worked on a policy to name a bridge to honor our Veterans. Their bill has passed the House and is pending its 3rd reading in the Senate. Senator Cyr's office suggested that the Selectmen be part of the process and would be looking for their blessing to make sure that the concept is supported. An email with details and a link to the information was provided to the Board.

Mr. McManus feels that it is only right that we as a community recognize the PTSD wounds that many of our Veterans are suffering from.

Mr. McManus moved that the Board of Selectmen send a letter of support to Senator Cyr's office regarding the pending MA legislature bills to name the Rt. 137 bridge "The Hidden Wounds Memorial Bridge.", 2nd by Mr. MacAskill. The vote was 4-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell & Mr. McManus all voting aye by roll call.

- B. Discussion and possible vote to authorize the Chair to sign the Queen Anne Road, Harwich, MA Speed Regulations Letter to Massachusetts Department of Transportation

Mr. MacAskill moved to authorize the Chair to sign the Queen Anne Road, Harwich, MA Speed Regulations Letter to Massachusetts Department of Transportation, 2nd by Mr. Howell. The vote was 4-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell & Mr. McManus all voting aye by roll call.

- C. Discussion and possible vote approving Section 1.07 of the Harwich Board of Selectmen Liquor License Regulations requests for closure by licensed establishments:
 - 1. Villa Roma – 278 Route 28

Mr. MacAskill moved to approve Section 1.07 of the Harwich Board of Selectmen Liquor License Regulations requests for closure by licensed establishments: Villa Roma, 278 Route 28, 2nd by Mr. Howell. The vote was 4-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell & Mr. McManus all voting aye by roll call.

- D. Discussion and possible vote to approve – Annual Innholders Licenses
 - 1. Sands Hospitality, Inc. DBA The Platinum Pebble Boutique Inn – 186 Belmont Road
 - 2. Braddock, Inc. DBA Winstead Inn and Beach Resort – 114-118 Parallel Street

3. Braddock, Inc. DBA Winstead Inn and Beach Resort – 4 Braddock Street

Mr. MacAskill moved to approve the Annual Innholders Licenses as presented in the packet, 2nd by Mr. Howell. The vote was 4-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell & Mr. McManus all voting aye by roll call.

- E. Discussion and possible vote – Annual Common Victualler Licenses
 1. Alexander the Great DBA Alecsie's House of Pizza – 181 Route 137
 2. BLM Restaurant Group DBA Lanyard Bar and Grill – 429 Route 28
 3. Brax Landing Restaurant Management DBA Brax Landing – 705 Route 28
 4. Ember Pizza Inc. DBA Ember – 600 Route 28
 5. Epiros Holdings, LLC. DBA George's Pizza House – 564 Main Street
 6. 400 East Inc. DBA 400 East – 1421 Orleans Road
 7. Shooting Star Realty, LLC DBA Buca's Tuscan Roadhouse – 4 Depot Road
 8. Zack, Inc. DBA Castaways – 986 Route 28

Mr. MacAskill moved to approve licenses 1-3 and 5-8 as presented in the packet, 2nd by Mr. Howell. The vote was 4-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell & Mr. McManus all voting aye by roll call.

Mr. Ballantine commented that the Board may wish to hold the approval for Ember Pizza until other issues have been resolved. Mr. Powers responded that there is no legal reason to hold up their Common Victualler license as it is separate from any other license that they hold.

Mr. MacAskill stated that he would not be making a motion on the license renewal for Ember Pizza as we have been waiting on a hearing for alleged violations. Some residents are upset that the Board has not acted on the allegation violations. If after a hearing, they are not found guilty of the violations, the Board can move forward right away with approvals. Unless it impacts their ability to be open, then Mr. MacAskill didn't see why the Board shouldn't hold all licenses until the hearings are completed. Mr. Howell responded that non-renewal of the Common Victualler License would prevent them from opening.

Mr. Powers stated that the Common Victualler license is handled differently from any other license for the business. This license gives them the ability to serve food to the general public. Mr. Powers feels that the Board should take action on this license renewal. He has been working with counsel on scheduling the hearings for the liquor and entertainment alleged violations.

Mr. MacAskill moved to approve the Common Victualler license for Ember Pizza, 2nd by Mr. Howell. The vote was 4-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell & Mr. McManus all voting aye by roll call.

- F. Discussion and possible vote to approve – M.G.L. Chapter 138, Section 12
Annual on premise Liquor License Renewals
 1. Jake Rooney's – 119 Brooks Road – Annual All Alcohol – *Pending proof of Insurance*

Mr. Powers stated that proof of insurance was received today.

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

CONTRACTS

- A. Discussion and possible vote to allow the Interim Town Administrator to execute the ITT72 Statewide Contract Authorized User Agreement with Verizon Wireless

Mr. MacAskill moved to allow the Interim Town Administrator to execute the ITT72 Statewide Contract Authorized User Agreement with Verizon Wireless, 2nd by Mr. Howell. The vote was 4-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell & Mr. McManus all voting aye by roll call.

- B. Discussion and possible vote for the Board of Selectmen to execute contract (VEH 98 Statewide Contract) with Ballard Mack Sales & Service, Inc. for the purchase of a DPW Catch Basin Cleaner for \$214,000.00

Mr. Ballantine asked if staff has considered partnering with neighboring towns on sharing equipment of this kind. Mr. Powers responded that staff has not, but that discussions are possible.

Kyle Edson from DPW was present. As far as use, this proposed equipment would be used to clean catch basin as well as plow and sand. It could not be shared with another town.

Mr. MacAskill feels that in times like these, we may need to start thinking about what we want versus what we need and might be able to share with other towns. He added that the agreed upon review checklist was not provided in the packet and that the process has become embarrassing. He has gone out of his way to point out processes that need attention and that he is tired of being ignored. Mr. Powers responded that staff has been working at the direction of the Chair. Mr. MacAskill stated that the fault is on the Board for continuing to pass items without the proper review process being followed. He added that he would also be okay with the Board voting to change their existing procurement checklist policy.

Mr. Howell asked for a future agenda item to address the policy.

Mr. Powers commented that he would rely upon Mr. Edson or Town Engineer Griffin Ryder to review the purchase. He added that if we wait, the price of the equipment will increase significantly.

Mr. McManus moved to execute contract (VEH 98 Statewide Contract) with Ballard Mack Sales & Service, Inc. for the purchase of a DPW Catch Basin Cleaner for \$214,000.00, noting that the funding source was last Town Meeting, 2nd by Mr. Howell. The vote was 3-1-0 with Mr. Ballantine, Mr. McManus & Mr. Howell voting aye and Mr. MacAskill voting nay by roll call.

TOWN ADMINISTRATOR'S REPORT

Mr. Powers reported that he has completed the internal search and has hired Danielle Delaney as the Executive Administrative Assistant for licensing in the Town Administrator's office.

Mr. Powers provided the Board with a brief update on the hearings that were started over the summer and had roadblocks for alleged pandemic violations. The hearings will be re-starting in January for the alleged violations as identified by the ABCC inspectors. There is a renewal application for an establishment that will be coming before the Board at their January 4 meeting. Counsel will have motion language ready for the Board. Mr. Powers reviewed the Ballarin factors that the Board can consider when holding these hearings.

Mr. Ballantine reminded everyone that the Board would not be meeting next Monday.

SELECTMENS REPORT

The Board wished a Merry Christmas and Happy Holiday to all.

Board of Selectmen
December 21, 2020

ADJOURNMENT

Mr. Howell moved to adjourn the meeting of the Board of Selectmen, 2nd by Mr. McManus. The vote was 4-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell & Mr. McManus all voting aye by roll call.

Respectfully submitted,
Jennifer Clarke
Recording Secretary

