

APPROVED

**MINUTES
SELECTMEN'S MEETING
REMOTE PARTICIPATION ONLY
THURSDAY, April 16, 2020
6:30 P.M.**

RELEASED

SELECTMEN PARTICIPATING: Ballantine, Ford, Howell, MacAskill, McManus.

ALSO PARTICIPATING: Interim Town Administrator, Joseph Powers; Meggan Eldredge, Health Director; Sarah Peake, State Representative; Julian Cyr, State Senator; Chief Norman Clarke, Chairman Town Administrator Search Committee; Carol Coppola, Finance Director; Amy Bullock, Treasurer/Collector; Dan Pelletier, Water/Wastewater Superintendent; and Donna Molino, Assessing Director.

CALL TO ORDER

Mr. Ballantine opened the meeting at 6:30PM and called to order the Board of Selectmen. Roll-call: Mr. MacAskill – Here, Mr. Ford – Here, Mr. Ballantine – Here, Mr. Howell – Here, Mr. McManus – Here.

NEW BUSINESS

- A. Following the presentation and recommendation of Mrs. Coppola, Mr. Howell moved to authorize Larry Ballantine, Chairman, to sign Commonwealth of Massachusetts Contract and Settlement and Release forms to accept, with our gratitude, 7/23/19 Tornado Funds in the amount of \$1,171,060. Mr. MacAskill seconded.**

Representative Peake thanked the Board for inviting her and Senator Cyr to the meeting. She said Harwich will get this money and urged that the paper work be signed and returned to Boston promptly. Rep. Peake said she is glad she and the Senator could make this happen, as it is an example of State and local government working together. Senator Cyr agreed with Rep. Peake, adding that this is a bright moment at a difficult time. Mr. Powers praised the process which he said was led by a superb legislative delegation, adding that the dollar amount that Harwich will

be receiving is far greater than what was anticipated. Mr. MacAskill, Mr. Howell, Mr. Ford, and Mr. McManus, individually, thanked Rep. Peake and Sen. Cyr for their amazing job and for their responsiveness to the needs of their district.

Mr. Ballantine said there is a motion and a second. Roll-call vote: Mr. MacAskill – Yes, Mr. Howell – Yes, Mr. Ford – Yes, Mr. McManus – Yes, Mr. Ballantine – Yes. Motion carried unanimously.

**B. Joint meeting with Board of Assessors and Board of Waters
Commissioners**

Discussion and possible vote to Accept sections 10 and 11 of the Act to Address Challenges Faced by Municipalities and State Authorities Resulting from COVID-19, Chapter 53 of the Acts of 2020

Board of Assessors Chairman called the Board to order by roll-call vote. Jay Kavanaugh – Here; Richard Waystack, Chairman – Here. Mr. Waystack declared a quorum present.

Chairman of the Water Commissioners called to order the Commissioners by roll-call vote. Gary Carriero – Here; Judith Underwood – Here; Allin Thompson, Chairman – Here. Mr. Thompson declared all Commissioners present.

Chairman Ballantine's connection was momentarily lost; therefore, Vice Chairman McManus assumed Chairman duties and recognized Mrs. Coppola who presented Item B. She said action on this item will provide relief to the Harwich taxpayers. Mrs. Coppola articulated the following provisions, adding that since they are being read and considered individually, a blanket motion to accept is in order.

1. To extend real estate and personal property taxes payment deadline from May 1 to June 1, 2020
2. To extend the date bills for taxes assessed for omitted property or incorrectly valued property to be mailed from May 1 to June 1, 2020
3. To extend the date an application for exemption of taxes is due from April 1, 2020, to June 1, 2020, with deferral amounts extended as well.
4. To waive the payment of interest and other penalties in the event of a late payment for any excise, tax, betterment assessment or apportionment, water rate user fees or other charges added to tax for any payments with a due date on or after March 10, 2020, this waiver of interest and penalties is granted if payment is made after its due date but before June 30, 2020.

5. No essential services may be terminated by the Town of Harwich due to a resident's failure to pay these taxes or fees if nonpayment resulted from a "demonstrated inability to pay" due to the COVID-19 outbreak or the Governor's declaration of a State of Emergency. This "inability to pay" shall include demonstrated financial hardship of a resident, due to events such as loss of employment or serious illness or death of someone within the home.
6. A FURTHER PROVISION IN THE MOTION: The Board of Selectmen hereby authorizes the Water Department to defer the due date of the third quarter water bills to June 15, 2020, allowing for a 15-day grace period to June 30, 2020.

Mr. Ford moved to accept Item B: sections 10 and 11 of the Act to Address Challenges faced by Municipalities and State Authorities Resulting From COVID-19, Chapter 53 of the Acts of 2020, including the six individual provisions as stated above. Mr. Howell seconded the motion.

Mr. Powers said the Water Commissioners will need roll-call votes on specific provisions. Mr. Carriero moved to accept item 6. Mrs. Underwood seconded. Mr. Thompson called for a roll-call vote. Mr. Carriero – Yes, Mrs. Underwood – Yes, Mr. Thompson – Yes. Motion carried by unanimous vote.

Mr. Carriero moved to accept item 4. Mrs. Underwood seconded. Mr. Thompson called for a roll-call vote. Mr. Carriero – Yes, Mrs. Underwood – Yes, Mr. Thompson – Yes. Motion carried by unanimous vote.

Mr. Ballantine said there is a motion and a second on Item B. Roll-call vote: Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Howell – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Board of Assessors Chairman moved to adjourn the Board. Mr. Kavanaugh seconded. Roll-call vote: Mr. Kavanaugh – Yes, Mr. Waystack - Yes. Motion carried.

Chairman of the Water Commissioners moved to adjourn the Commissioners. Mr. Carriero seconded. Roll-call vote: Mr. Carriero – Yes, Mrs. Underwood – Yes, Mr. Thompson, Yes. Motion carried.

OLD BUSINESS

A. Coronavirus – COVID-19 Update

Mr. Powers said everyone should wear a mask, adding enforcement is needed but not possible. He advised the Board that Guidance Document #11 will include:

- Effective April 20 the Transfer Station will expand their operations and accept yard waste, construction debris, etc.
- effective April 21 inspectional services for essential construction projects will again be available

Ms. Eldredge reiterated the importance of wearing a mask. She said gloves should not be worn unless the person is a health care worker or the person is doing cleaning. She said the number of positive cases in Harwich is 29. Ms. Eldredge said Harwich has gone one week without a new case, adding that the number of cases in the County have gone up. She said Cape Cod is a week or two behind the rest of the State. Mr. Ballantine thanked her for her presentation.

Mr. MacAskill asked, with the DPW return to services, if overtime can be expected. Mr. Powers said no and that employees will be paid at their regular rate.

B. Town Administrator Search - Norman Clarke, Chairman TA Search Committee (NOTE; Mr. Powers recused himself from participating in this agenda item)

Discussion and possible vote –

- i. Request Selectmen not to sign Selection Consultant contract and authorize the Search Committee to proceed with the selection process
- ii. Vote to approve, if necessary, the Town Administrator Position Profile

Mr. Clarke said the Search Committee voted unanimous approval of the Town Administrator Position Profile. He recommended that the Board of Selectmen approve the document as well. He said his committee feels it is important to stick to the Charter but to expedite the process quickly, adding that everything the

committee presents is recommendation to the Board. Mr. Clarke said his committee recommends advertising the position in a proper way in the MMA BEACON, Cape Cod Times, and the Boston Globe for a two-week period. He said resumes and references will go electronically to the Town Clerk's office and will be controlled by Mrs. Anita Doucette, Town Clerk.

Mr. Ford moved to approve the Town Administrator Position Profile (Item B ii). Mr. Howell seconded.

Mr. Howell said the relationship between the Town Administrator and the Board is all-important, adding that the process should be based on the Charter.

Mr. Ford said the document provides a great deal of latitude in description of type of things we need in an administrator. He said the Profile allows the Board to look at the person from every angle.

Mr. MacAskill said the Board is approaching this issue backwards. He said the Search Committee was to have worked with a search firm and now the meeting is just between the Board and the Chairman of the Search Committee, adding that there is no transparency and no opportunity for public involvement. Mr. MacAskill said the Board hasn't yet voted not to hire a search firm, adding that he is confused with the process.

Mr. Ballantine said the Position Profile should be voted first since it drives what the Board will have in the advertisement.

Mr. Clarke said the global pandemic COVID-19 has made life difficult. He said his committee has made every effort to be transparent and thanks to Channel 18 the public are seeing committee meetings. Mr. Clarke said they are recommending to the Board a process that is fair and will fulfil the requirements of the Charter. He said there is a concern that the Town needs permanent leadership in the Town Administration, adding that public safety trumps process.

Mr. MacAskill said when he spoke of lack of transparency he was referring to the Board of Selectmen meeting, not the Search Committee meetings. He said he is referring to the fact that the Board is changing what we have already voted.

Mr. Ballantine said there is a motion and a second on the Position Profile. (Item B ii) Roll-call vote: Mr. Ford – Yes, Mr. McManus – Yes, Mr. Howell – Yes, Mr. MacAskill – No, Mr. Ballantine – Yes. Motion carried by a vote of 4-1.

Mr. Ford moved to accept the recommendation of the Search Committee not to hire a Selection Consultant and to move forward with the shortened process as recommended (Item B i). Mr. Howell seconded.

Mr. MacAskill thanked Mr. Clarke for providing the draft minutes of the Search Committee meeting to the Board. He said the Board is doing a terrible dis-service to the Town, adding that fast-tracking the process is a mistake. Mr. MacAskill said the Board voted to hire a search firm, as most Towns do. He said this is the most important decision that a Board of Selectmen makes.

Mr. Howell disagreed and said no action is inaction. He said we are 5 months into the term of the Acting Town Administrator, and we are allowed to go up to 6 months, after which we would need to make another appointment.

Mr. McManus agreed with the importance of the decision, adding that to rush it is a mistake. He questioned what kind of applicants the Town would get in the middle of a pandemic. Mr. McManus said the Board should work at the process at a slower rate to make sure they get a good look at what the Board wants in a Town Administrator.

Mr. Ford questioned whether the Board has the authority and ability to continue having an Acting Town Administrator. Mr. Howell replied that the Board can only make two appointments. Mr. Ford said that provides a unique problem, as the Town needs truly defined leadership to guide us. He said if the Town has to switch to another Acting Town Administrator, which would be a larger mistake. Mr. Ford said the Board has come to a crisis point, adding that the individuals chosen to serve on the Search Committee have recommended that the Board move quickly. Mr. Ford suggested that whoever is hired as a result of the search could be given a one-year term and then reviewed. He said the Board does need to take some kind of action.

Mr. MacAskill said legal counsel should be sought as to how the Board should proceed.

Mr. Howell reminded the Board that every member of the Search Committee was someone recommended by the Board members, so the committee is an amalgamation of the Board.

Mr. Ballantine said the proposed process will eliminate the consulting firm but the intent is still to advertise and have the Search Committee bring candidates to the Board. He asked if it is the intent of the Board to carry this process on to next fall. Mr. Ballantine said the Board has to move on and look at warrant articles and budget, adding that he does not feel the selection process should be slowed.

Mr. MacAskill said it is a question of search firm vs. no search firm. He said in view of the expenditure of \$328 for one set of Selectmen's minutes, which he understands haven't been completed, and the overtime at the Transfer Station, he feels \$12,000 for a search firm could be money well spent in the process. Mr. Ballantine corrected Mr. MacAskill and said the search firm fee is \$10,000.

Mr. Clarke said the Board of Selectmen will be hiring a Town Administrator who the Town will have for many years to come. He said Harwich is having a public interview like no other right now with the Acting Town Administrator. Mr. Clarke said the community needs and deserves firm leadership in the Administrator, and we have had a chance to see this person performing. Mr. Clarke urged the Board to follow the Charter and to accept the recommendation of all five members of the Search Committee – not to spend the dollars and to move quickly and move ahead and advertise. He said the committee serves at the pleasure of the Board and is looking for direction.

Mr. Ballantine said we have a motion and a second. Roll-call vote: Mr. MacAskill – No, Mr. Howell – Yes, Mr. McManus – No, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by a vote of 3-2.

TOWN ADMINISTRATOR'S REPORTS

Mr. Ford relayed that Mr. Powers has no Administrator's report and therefore will not rejoin the meeting.

SELECTMEN'S REPORT

Mr. Howell said the signs governing the East Harwich sewer construction are not specific and need more clarity. Mr. Ballantine said he will follow-up.

Mr. MacAskill said he is aware of a large amount of Change Orders relative to the East Harwich construction project, for which contractors have not been paid. He said the Board should be given a status report on these Change Orders and that the Town Administrator should present them to the Board to approve and recalculate what the budget is for that project. Mr. Ballantine said there are Change Orders that the Town Administrator doesn't agree with and they are in the process of being reviewed for accuracy.

Mr. McManus said he appreciates the opening of the Transfer Station.

Mr. Ford said despite the proposed shortened Town Administration selection process, there is no intention to ignore any candidate that we get as a result of our search. He said he will want to see every submitted resume, since this is not an automatic situation.

Mr. Ballantine said the Board should be looking at a shortened Town Meeting, and articles will be on a Board agenda shortly. He said articles that can wait until the fall will be pulled from the Warrant.

Mr. McManus suggested that when hiring a Town Administrator, perhaps a one-year contract with review at the end of the year, followed by advertising and a search at that time. He said this would allow participation from other townspeople.

ADJOURNMENT

Mr. Howell moved to adjourn. Mr. Ford seconded. Roll-call vote: Mr. MacAskill – Yes, Mr. Ford – Yes, Mr. Howell – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Respectfully submitted,

Dorothy G. Hemmings
Recording Secretary
Pro Tem