

RELEASED

APPROVED

MINUTES
SELECTMEN'S MEETING
TOWN HALL

202 OCT -4 A 9:52 MONDAY, SEPTEMBER 19, 2022

6:00 P.M. - EXECUTIVE SESSION

6:30 P.M. - REGULAR MEETING

REMOTE PARTICIPATION OPTIONAL

SELECTMEN PARTICIPATING: Michael MacAskill, Larry Ballantine, Julie Kavanagh, Donald Howell and Mary Anderson

ALSO PARTICIPATING: Assistant Town Administrator Meggan Eldredge

Mr. Howell moved that the Board enter into Executive Session to discuss the topics as listed below, 2nd by Ms. Anderson. The vote was 5-0-0 with Mr. MacAskill, Mr. Ballantine, Ms. Kavanagh, Mr. Howell and Ms. Anderson all voting aye by roll call.

EXECUTIVE SESSION

- A. Pursuant to M.G.L., c. 30A, § 21(a)(7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements ("Purpose 7")- the Open Meeting Law, G.L. c. 30A, § 22(f), (g)-To review, approve and/or discuss the possible release of executive session meeting minutes dated July 11, 2022 and July 25, 2022
- B. Pursuant to MGL c. 30A, §21(a)(6) to consider the purchase, exchange, lease or value of real property if the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the Town

CALL TO ORDER

Mr. MacAskill called the meeting back to order. The Board did approve the minutes listed under item A, however they did not approve to release them. The Board spoke with Town Counsel regarding item B and will be discussing it further under old business later on this evening.

PUBLIC COMMENTS/ANNOUNCEMENTS

Community Center Director Carolyn Carey was present and reminded everyone that tomorrow night is the pizza and candy bar bingo event at the Community Center. Everyone is invited to attend this free family event. On October 21, there will be a free Zumba class in the gym at the Community Center. Next month, there will be a new "try it you might like it" technology class at the Community Center as well as a social media basics class. The Community Center is partnering with the Monomoy Regional High School and have an incredible amount of young people who will be interning to help with classes at the Community Center. Touch a truck will be held on October 8. A free Zumba class will also be held on October 8.

A. Committee Vacancies

Ms. Anderson wanted to take the time to highlight that there are 30 openings on various committees and boards in Harwich. The Town is largely run by committees. Administration

staff has done an amazing job to get all of this information sorted out. Mr. Howell and Mr. Ballantine had taken a lot of time to interview residents. Ms. Anderson read the list of committees that have vacancies. This information will be in the packet every week.

ANNUAL COMMITTEE PRESENTATIONS

A. Harwich Accessibility Rights Committee

Maryann Campagna, Chair and Eileen Garrity, Vice Chair were present. The committees report was provided in the packet. Ms. Campagna stated that the first thing the committee tried to do was prioritize what they are doing and what funds are available. They have had various guest speakers come in and it has been a good beginning.

Ms. Kavanagh stated that she received an email today regarding accessibility that she will share with the committee.

Ms. Anderson thanked the committee for their approach.

Mr. Ballantine stated that this is a very passionate group who is listening and is first at the scene to get things done. He noted that there is a comment in their report about wanting to add one or two new members. This is a Board committee and their membership can be increased at the Selectmen's pleasure. Mr. Ballantine asked to have this discussion added to an upcoming agenda.

Mr. Howell noted that there are a lot of different possibilities for accessibility. Mr. Howell noted his concern regarding the local grocery stores and them moving things around which could create obstacles, mainly referencing the "pick up" parking spaces, which have moved other parking spaces around. He asked where the committee sees their role in something like this. Ms. Campagna responded that the committee has discussed the possibility of site visits and will be having discussions at upcoming meetings. Mr. Howell suggested that they start with local parking lots.

With respect to the request for proposal that has been written, Ms. Garrity noted that the next step will be for the committee to meet with various department heads to go over pricing. Mr. Howell suggested starting with the Town Clerk's Office before the presidential election comes.

Mr. Ballantine noted that at the last Town Meeting, there was not enough time to get the screen up. He asked that the screen be available for the October Town Meeting.

B. Treasure Chest Committee

Elly Gerson, Chair was present. The committee's report was provided in the packet. Ms. Gerson stated that the first good thing that happened was the kiosk that was built for the entrance. March and April were dedicated to cleaning and setting up the facility. The Treasure Chest was fully open on May 1, 2022. Stickers have been an issue for the weeks that they have been open. Ms. Gerson thanked DPW Director Lincoln Hooper for the replacement of the refrigerator in the facility. The committee thanked the Selectmen for their support. There have been a lot of expressions of gratitude from customers, with some criticism as well.

Mr. Ballantine thanked the committee for their report and feels that it has been a successful summer. A special thank you was given to Mr. Hooper and his staff. Mr. Ballantine suggested putting a sticker discussion on their next agenda.

Mr. Howell took the opportunity to thank Mr. Ballantine for all of the hard work that he put into getting this committee back up and running.

Ms. Anderson agreed with Mr. Howell and added that she has not heard anything but positive feedback.

Ms. Kavanagh agreed with everyone's comments.

Mr. MacAskill stated that having stickers be available next year months before the Treasure Chest opens will help resolve any sticker issues. He asked for Ms. Gerson to make sure that all committee members have been sworn in and that they have taken the State Ethics Test. Mr. Ballantine added that they can follow up with the Town Clerk's Office or Administration.

C. Brooks Academy Museum Commission

David Spitz, Chair was present. The commission's report was provided in the packet. Mr. Spitz reported that they have a project for this winter, which are the structural improvements to the museum. Campbell Construction submitted the winning bid of 1.2 million dollars. Bids ranged from 1.2 to 2.4 million dollars. The article at the upcoming Special Town Meeting is very important to pass to allow for the funds to get the construction work done. The town is familiar with Campbell Construction as they completed a restoration project for Brooks Library. The next project will be replacing the 52 windows in the building to include removal of windows, full sash restoration, reuse of historic glass, reinstallation and frame and jamb restoration. The commission also intends to seek funding for exterior painting this year. The site of the Crowell Barn is looking better with new lawn, irrigation system, shrubs and mature shade trees, all thanks to a generous donation from resident Paul Doane.

Ms. Kavanagh noted that the barn looks beautiful and it is great to see these projects moving forward.

Ms. Anderson is glad that a close bid was received and is from a known entity.

Mr. Howell commented that there has always been rumbling on why so much money is being spent on the museum. The whole point of the Community Preservation Act is to fund things for municipalities that couldn't be funded otherwise. There needs to be a place for history, recreation, housing, etc. As we have seen with other properties, it can be catastrophic when buildings are not taken care of. Mr. Howell stated that the museum is a gem and thanked the commission for taking extra good care of it.

Mr. Ballantine noted that he is glad to see this project moving forward. He asked if there is any information on potential grant funding. Ms. Spitz responded that they haven't come close to any grants yet, but they will keep trying.

Mr. MacAskill thanked them for their report.

D. Planning Board

Duncan Berry, Chair was present. The board's report was provided in the packet. Mr. Berry stated that they have finally replaced the membership of the late Joe McParland and that they have 2 other members who are working out well. Mr. Berry encouraged the Selectmen to help them in finding a Town Planner and consider some way that we could interface with the long-term exercise that just got under way last week.

Ms. Anderson asked for information on what the Mullin rule is. Mr. Berry responded that the Mullin rule is the ability for a member to render a vote on a matter that they did not attend usually the primary meeting for. It is a promise of the member to do their homework on the agenda item and the vote it usually due to a quorum issue.

Ms. Kavanagh agreed that we are in need of a Town Planner. It is also important to note that we need to separate the zoning bylaws from the full bylaw review that will be happening. Ms. Kavanagh asked to confirm that they are using VHB to review their subdivisions. Mr. Berry responded that they are. Ms. Kavanagh asked if they have found any need to have legal weigh in on topics. Mr. Berry responded that they rely on legal as needed. He added that it might be time to look at a long range planner exercise or a sub-committee to tie up any ambiguities.

Mr. Howell feels that the zoning review is a daunting task. He gave kudos to the Planning Board, noting that they are functioning well with a divergence of opinions and that the operation itself is better than he has seen it in years.

Mr. Ballantine and Mr. MacAskill both thanked the board for their report.

E. Historic District/Historical Commission

No report was submitted and no one was present.

F. Harwich Housing Authority

Executive Director of the Harwich Housing Authority Tracy Cannon was present. Elizabeth Harder was present remotely. A copy of the report was provided in the packet. Ms. Cannon stated that they are a small housing authority which can make it hard to get board members. They are currently up to 4 members, but went 6 months without having a quorum and could not make any votes. Ms. Cannon reviewed what the housing authority does and what a MRVP housing voucher is and what it covers. There are currently 21 vouchers, 18 of which have been leased and they have 3 others that have been offered to people, but the problem is there are no rentals available. Families are still submitting applications, and there is still money available, but there are no rentals for the families to move into. If we could get more affordable housing, there is money to give.

Mr. Howell noted that the housing authority is a state agency but that the board is a town board. The housing authority is elected by the ballot box except for one person who is appointed by the Governor. He asked which Board member they are without. Ms. Cannon responded that they are without a regular member. It was suggested that the housing authority and the Selectmen have a joint meeting and then interview candidates as a combined entity vote. Ms. Harder responded that would be fine with them.

Ms. Anderson noted that so often, funding is the problem, now it is the other way around.

Ms. Kavanagh thanked the housing authority for their work.

Ms. Cannon briefly reviewed the MRVP and stated that there is a local preference for applicants.

CONSENT AGENDA

A. Approve Board of Selectmen Meeting Minutes for August 22, 2022

Mr. Howell moved to approve the Board of Selectmen Meeting Minutes for August 22, 2022 as amended, 2nd by Ms. Anderson and approved 5-0-0.

B. Vote to accept the gift from Paul Doane for improvements to Crowell Barn Museum in Harwich Center

Mr. Howell moved to accept, with gratitude, the gift from Paul Doane for improvements to Crowell Barn Museum in Harwich Center, 2nd by Ms. Anderson and approved 5-0-0.

NEW BUSINESS

A. Discussion of the Town Administrator's current financial assessment per Harwich Charter Chapter 9-2-1

A copy of the current financial assessment was provided in the packet. Estimates show that Harwich is on track for estimated revenues and tracking at about 19% of our estimated receipts. The assessment also covers personnel related costs. Assistant Town Administrator Eldredge stated that the town has finalized contracts with 4 of the 8 unions and anticipate completing the remainder of contracts by the end of the calendar year. Also provided is a capital outlay outlook as well as a chart of local receipts.

Mr. Howell commented that we are in good shape only because we have spent the last couple of years being duly diligent. We have been prudent about what we are doing and looking into the future. Harwich is in a much more solid place now.

Ms. Anderson feels that we are in a good place and that this is a first good luck at some numbers. Ms. Kavanagh agreed.

On local receipts, Mr. MacAskill noted that a resident had questioned the free cash policy. In regards to the Harbor line item, Mr. MacAskill asked for more information on how we are coming up with those numbers and why there is that much of a drop.

Finance Director Ann Marie Ellis was present. She stated that she was not in Harwich when the FY23 budget was built, but would venture to guess that there are different fees that have not been receipted as of yet. Ms. Ellis also pointed out that whether or not the sand from dredging is sold, can make a difference in the numbers.

B. Board discussion and possible vote on the following:

1. Board of Selectmen Rules of Operation
2. Board of Selectmen Meeting schedule

In the memo provided by staff, Harwich is one of 2 towns on the Cape that meet weekly. Mr. MacAskill said that he talked to administration staff and other than budget season, he doesn't see any reason why the Board could not meet every 2 weeks. This would allow everyone more time to work on the items that are discussed at meetings, do research and put together packets. Special meetings can be called as needed. Mr. MacAskill added that many items have been streamlined and the agendas have become more manageable.

Mr. Howell agreed with the 2 week meeting schedule.

Ms. Anderson suggesting that hearings could be held separate from regular meetings.

Mr. Ballantine agreed that the extra time would allow for everyone to work on the tasks and he is in support of this different vision.

Mr. MacAskill stated that he has agreed to meet with Mr. Powers on a weekly basis and that if the Board meeting every other week does not work, the Board can always switch back.

Ms. Eldredge said that having the Board meet every other week will be a big help to the administrative staff.

Mr. Howell commented that this is a rule of operation and that people should probably be put on notice regarding the change. He added that there might be other items that the Board wants to review as well.

The Board's next meeting will be on October 3, 2022 and then again on October 11, 2022 for public hearings.

Mr. MacAskill the Board if they want to stay with the 6:30 p.m. start time, or if 6:00 p.m. would be acceptable. The consensus of the Board was to start meetings at 6:00 p.m. beginning with their October 3 meeting.

C. Vote to approve the Committee Appointment recommended by the Interview Committee:

1. J. Alain Ferry – Bikeways Committee – Full member – Term to expire June 30, 2023

Mr. Howell moved to approve the Committee Appointment recommended by the Interview Committee of J. Alain Ferry as a full member to the Bikeways Committee with a term to expire on June 30, 2023, 2nd by Ms. Anderson and approved 5-0-0.

D. Vote to reappoint the following designee to the Community Preservation Committee:

1. Elizabeth Harder – Harwich Housing Authority – Term to expire June 30, 2023
2. Joe McParland – Harwich Housing Committee – Term to expire June 30, 2024

Mr. Howell moved to approve the reappointment of the following designees for the Community Preservation Committee: Elizabeth Harder-Harwich Housing Authority with a term to expire on June 30, 2023 and Joe McParland-Harwich Housing Committee with a term to expire on June 30, 2024, 2nd by Ms. Anderson and approved 5-0-0.

OLD BUSINESS

A. Vote to accept and adopt the following article for Special Town Meeting to be held on October 18, 2022:

1. Article 2 - Acquire parcel of land located at 62 Route 28

Mr. Howell moved to accept and adopt Article 2 for Special Town Meeting, 2nd by Ms. Anderson and approved 5-0-0.

Mr. MacAskill stated that this item was discussed in Executive Session and that no votes were made in Executive Session. The Board had discussion with Town Counsel.

B. Vote to close and sign the October 18, 2022 Special Town Meeting Warrant

Since the last time the Board met and talked about funding certain articles with free cash, the Town has learned that we cannot use free cash and will have to raise and appropriate. Ms. Howell asked to confirm if the money from the school agreements are available for this fiscal year. Ms. Ellis responded that the school assessment funds are already appropriated. Mr. Howell asked if they have been fully appropriated out. Ms. Ellis responded that the funds are fully appropriated to the budget, but that the Board can re-appropriate them someplace else.

Mr. Ballantine asked for further clarification on raise and appropriate. Ms. Ellis responded that the free cash would come from funds from last year. Mr. Ballantine asked if those funds have been approved already. Ms. Ellis responded that they have not.

Ms. Eldredge stated that Mr. Power's memo talks about not being able to use free cash because this year's free cash has not yet been certified. We do know that we will have free cash and that it will cover the articles, but we can't say that we are using free cash if we do not know the number.

The proposal from Mr. Powers is to raise and appropriate the funds, then to have an article at May Town Meeting to use free cash to offset the amount.

Mr. Howell moved to close and sign the October 18, 2022 Special Town Meeting Warrant, 2nd by Mr. Ballantine and approved 5-0-0.

TOWN ADMINISTRATOR'S REPORT

Ms. Eldredge reported that 2 contracts both for under \$75,000 were recently signed by the Town Administrator. One was for Thompson Engineering in the amount of \$8500 for the electrical engineering for a generator and transfer Saquatucket Harbor. The 2nd contract was with Colonial Municipal Group which was a vehicle maintenance truck for the DPW that was approved at Annual Town Meeting.

Mr. MacAskill stated that he did receive feedback from a resident regarding the engineering contract. He will forward the correspondence to each Board member.

SELECTMEN'S REPORT

Mr. Ballantine attended the playground ribbon cutting 2 weeks ago and it was well received. He also complimented everyone involved on this year's Cranberry Festival.

Mr. Howell commented the job well done on the Cranberry Festival and thanked Ms. Williams for all of her efforts.

Ms. Anderson and Ms. Kavanagh also both thanked Ms. Williams. Ms. Kavanagh thanked Mr. McManus and the entire Cranberry Festival Committee.

CORRESPONDENCE

No correspondence was discussed.

ADJOURNMENT

Mr. Howell moved to adjourn the meeting of the Board of Selectmen, 2nd by Ms. Kavanagh and approved 5-0-0.

Respectfully submitted,
Jennifer Clarke
Recording Secretary

