

RELEASED

APPROVED

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL AND REMOTE PARTICIPATION
Tuesday, May 26, 2020
6:30 P.M.**

SELECTMEN PARTICIPATING: Larry Ballantine, Donald Howell, Michael MacAskill, Edward McManus.

ALSO PARTICIPATING: Interim Town Administrator Joseph Powers, Health Director Meggan Eldredge, and Lieutenant Scott Tyldesly

CALL TO ORDER

Mr. Ballantine opened the meeting at 6:30 pm, and called to order the Board of Selectmen.

WEEKLY BRIEFING

- A. Mr. Powers began by congratulating Ms. Carlene Jones, Assistant Assessor, for her completion of the 2019-2020 Suffolk University Certificate for Leadership and Municipal Government.

Ms. Jones was thankful for the opportunity and the networking she was able to do through the program. They had a great class in the beginning called Typology. It was about how history repeats itself, and having to look back to see forward. With this pandemic, she has found that what she learned in the class, is all coming in to play. Mr. Ballantine added the Boards congratulations. It is great for her personally, but also for the Town.

- B. COVID-19 Updates: Presenters: Joe Powers, Interim Town Administrator; Meggan Eldredge, Health Director

Mr. Powers turned it over to Ms. Eldredge, for the update. Ms. Eldredge started with the numbers for the Commonwealth, which are now at 93,693 positive cases since the beginning of COVID-19. Barnstable County now has 1,280 cases, and Harwich is up to 118 cases, since the beginning of March. For deaths, they have had 6,473 deaths within the Commonwealth, 110 in

Barnstable County, 21 of those are from Harwich. Of the 118 cases they have now, 71 of those are associated with Wingate; some are staff, but most are residents. For the remaining 47 cases; four have died, 31 have recovered, and the 12 remaining active cases are being followed by the Visiting Nurses Association, and are in isolation. Four of those 12 cases are associated with some type of health care facility, either inside or outside of Harwich. The other eight cases, some are household contacts of previous cases, but several are of unknown origin.

Ms. Eldredge said that they are continuing to push social distancing, hand washing and monitoring of one's own health. If people don't feel good, they should not go out. This is very important, as people are starting to venture out more. It is a safer at home advisory, but with more stores and places open, it is important not to expand exposure.

She does have good news that the restaurant guidance is coming in by Friday, from the Reopening Advisory Board. That is good news, because restaurants have taken a hard hit, especially on Cape Cod. They need to know what to do in order to open safely. They have had a lot of questions on the safety standards that have gone out from the State, for non-essential and essential businesses, to be able to operate safely.

Mr. Ballantine asked for a clarification on the 6' versus 12' limits that she described last week, regarding blankets on the beach. Ms. Eldredge said that the beach guidance that was put out by the State indicates that 12' needs to be between blankets on the beach. It is a guidance, not a regulation, but having 12' between blankets or parties on the beach allows for some distance to be able to safely walk between. If you people are within 6' of other people, they need to have a mask on. If it is a group of one family, they do not need to be 12' apart. This is a guidance, not a regulation. But the guidance is there to promote social distancing as best we can.

Mr. Ballantine also asked if there has been any update in easing regulations for outdoor seating? Mr. Powers said that he would start with that. He explained that he shared in the packet a memorandum with information that was based on guidance from the board. Which talks about streamlining the regulations and policies, and anything they can do as a government to support their business community.

Prior to this news today, they had received a document from the Cape Cod Commission, which has been very helpful. The table of contents gets to all the topics which they have been discussing internally; most especially, the flexible outdoor seating, reduced parking requirements to allow for outdoor eating and sale pickup, as well as street closures and things of that nature. The teams have been working since last week to develop plans. They are at the point now that they are just waiting on the State guidance for the service of alcohol outside of the standard license premises and also the guidance on the closing of roads or portions of roads. Once they have that, they will be able to roll out a plan, hopefully as soon as June 1st.

C. Update on ongoing efforts by the Town in support of the Business Community

Mr. Powers said that this was covered in the memorandum he had just shared with the Board, and the information received from the Cape Cod Commission. The Commission has been fantastic in their documentation and it really has helped to develop a template that they can quickly turn around.

Mr. Ballantine requested that Ms. Cyndi Williams with the Harwich Chamber of Commerce, join the meeting next week to give an update.

NEW BUSINESS

A. Vote to Approve Joseph F. Powers, Interim Town Administrator, to another 90 Day Term

Mr. Howell moved that based on exigent circumstances that they approve another 90-day appointment. Seconded by (could not hear).

Mr. Ballantine requested to invite Mr. Norman Clarke, who chairs the Town Administrator Search Committee, to join the meeting next week to provide the number of applicants and tentative schedule.

All in favor, motion carried by unanimous vote.

B. Vote to Approve the Memorandum of Understanding between the Harwich Community Center and the Nutrition Program of Elder Services of Cape Cod and the Islands

Mr. Powers said that they received in their packet, the letter that the Elder Services sent to Ms. Carolyn Carey, Director of the Harwich Community Center, with the Memorandum of Understanding for the Harwich Community Center and the Nutrition Program of Elder Services of Cape Cod and the Islands. This has been a critical program during the pandemic, in support of folks that are now even more restrictive to be able to get out and get meals.

The only item that he wanted to bring up for the board's discussion, which was identified by Ms. Carey, is if they needed to add additional language about the pandemic. Robert Lawton and himself will be speaking with her tomorrow. He thinks this is covered on the first page, where it says; "both parties agree to meet all requirements of inspection by fire, building and health officers". Health would cover the pandemic. There has been an ongoing issue with the generator, which is in the process of being replaced.

He would recommend that the Board accepts the Memorandum of Understanding, recognizing that any adds to language would only be relative to the generator or pandemic. Or if they would like to take any other action.

Mr. Ballantine asked if he could clarify what the generator has to do with this, if it is it to keep the building open. Mr. Powers replied that without the generator they would lose the ability to use the building. In the past, the back-up has been the Tech school and is the back-up in case they run into problems. Mr. Ballantine will entertain a motion.

Mr. MacAskill moves to approve the Memorandum of Understanding between the Harwich Community Center and the Nutrition Program of Elder Services of Cape Cod and the Islands, with the understanding of the generator language that could be added. Seconded by Mr. Howell.

Mr. McManus asked for clarification on if the Tech is available as an option to be used as a back-up. Mr. Powers said that the Tech is not available, and they are in the process of looking for an alternate back-up option.

All in favor, motion carried by unanimous vote.

C. Discussion and possible Vote on proposed Annual Town Election Warrant for June 30, 2020

Mr. Powers said that they had in their packet a version of the Town Warrant and wanted to bring to their attention some language that had been removed in light of the potential for moving the Town Meeting. These are additional questions that he wanted to make the Board aware of. The warrant that they have in the packet, is the warrant that is being recommended this evening.

The original warrant had three questions. The first was a place holder regarding a fire truck, and as they have talked many times before, the fire truck was in the capital plan. This would have had a corresponding debt exclusion or override question. Mr. Powers said that since they will likely be holding off on that till the Fall, he would recommend that they not include it, but he wanted to make them aware of it.

As they will see in his memorandum, later on about Town Meeting, they do have two dates; a Town Meeting date in September, and a date identified if they have to address these types of override questions in the Fall. So, there are mechanisms in place.

The second question was the standard road maintenance question. As they may recall, the proposition 2 ½ was on the ballot in 2019 and it did not prevail. We feel that we can hold off on it and do it as part of a special in October, if that is where Town Meeting goes for that program. It still gives time to get that done, but given where they are financially it does not seem to makes sense to do it on June 30, which is the new date for the annual Town Election.

And the last question, they had discussions way back when about Wastewater and the Water Infrastructure Investment Fund, known as the WIF. They were looking at having that language provided and voted on at the annual Town Election. However, given where they are at financially, and what they are doing in the spring, it makes sense to hold off on that question as well. So, what they have in the packet, is what is being recommended as the full warrant for the annual Town Election, to be held on Tuesday, June 30, 2020. These three items had been held out. If the board wishes to proceed with the materials in their packet, he would suggest they refer to that in their motion.

Mr. Howell just asked for clarification on what Mr. Powers referenced as “special”, relating to Town Meeting. He would like to know if the reference to “special” was eluding to a special election that would be subsequent to Town Meeting. Mr. Powers responded saying yes, that it would occur on October 6th, and it is not a special town meeting.

Mr. Ballantine also asked for clarification on how this will work with a Town Election happening prior to the Town Meeting. Normally they vote on things at Town Meeting, before it goes to the Town Election. Would it pass a ballot, but not be effective unless it passes a Town Meeting vote?

Mr. Powers replied that if it requires a proposition 2 ½ or debt exclusion as a corresponding item, then both has to happen. They will have the mechanism in the Fall. This is doing it differently with the Town Election for offices, then the annual Town Meeting in September. Then if needed, they will do the debt exclusions and overrides as a special Town Election in October.

Mr. Howell added another point for clarification, that since the charter language changes were based on a vote, at last year’s town meeting, that will be on with the election with office holders.

Mr. Powers confirmed, if they look at the warrant that they have access to, they will see those questions, as well as non-binding questions that the Board had voted previously on, regarding Pilgrim Nuclear Power Station.

Mr. Ballantine asked if there were any further questions, or if they need a motion. Mr. Powers requested that they make a motion to accept the warrant in the packet and then if voted, and if accepted, he would ask that they sign it this evening.

Mr. Howell moved that they accept the ballot warrant, as it is contained in the packet, for the June 30, 2020 election, and to sign that this evening. Seconded by Mr. MacAskill. All in favor, motion carried by unanimous vote.

OLD BUSINESS

- A. Discussion and Vote – Interim Town Administrator’s Proposal to postpone Annual Town Meeting to September 28, 2020 and initiate 1/12th budget mechanism

Mr. Powers expressed that this is not an action he recommends lightly. It is in no way the preferred action that he thinks they should embark upon. However, it is the best course of action in light of the pandemic, and where they are with the guidance's that have come out and revenue projections that have been overwhelming by the virtue of the impact of what they have available. His recommendation, and for discussion this evening, is for the Board to engage in the process of postponing the annual Town Meeting, which is currently scheduled for June 22, 2020.

They should instead convene that on September 28, 2020, which is a Monday. This is the date that they had set aside, when things were normal, for a potential Town Meeting related to Wastewater, and that is why they also had October 6th as a possible election for wastewater.

Therefore, they had the dates in question and they know that the dates work for the Town Clerk, and all the elections they will have going on. It also works for the moderator as well. If the board is to do this, it will also require them to engage in the process of the One-Twelfth Operating Budget. As they can see from the information that has been provided in the bulletin, by the Director of Accounts at the Division of Local Services, there has been quite a bit of activity. Again, not a recommendation he is taking lightly, or is happy about, but he does think it is the appropriate next step for the Board to take.

Mr. Ballantine asked Mr. Powell if he could read the key points under paragraph B, in the bulletin from the Division of Local Services, for informational purposes. He imagines that this is the key to all of these discussions.

Mr. Powers read from the Bulletin under Section B, titled; *Develop a Monthly Expenditure Plan*. He further explained that what this really means is that due to an extraordinary health event, they do not feel it would be safe or prudent to conduct the Town Meeting in June. Therefore, they would not have the opportunity to approve an operating budget for the coming fiscal year, which will begin July 1st. State law mandates that municipalities have an operating budget, and if they don't they have to go through this process of the 1/12th budget.

Mr. Ford just wanted to reconfirm if they will need to do this each month. Mr. Powers said yes, that they will need to do this as early in June as they can, for July, knowing that they would not meet in July. They would then need to do one for August and September, in anticipation of the Town Meeting in September. If for some reason the meeting cannot occur in September, they would continue to do that process. Every month, until an operating budget is adopted by Town Meeting.

Mr. Ford, said he agrees, he would like to have the Town Meeting as well. This puts a real onus on us to watch the budget, and each month, this allows them to do this. If they are not going to go in the direction of the Town Meeting now, this is a good methodology to use.

Mr. MacAskill moved that they postpone Annual Town Meeting from June 22, 2020 to September 28, 2020. Mr. Howell interrupted, that it is out of order. It needs to be one motion to rescind the previous motion, before they can make a motion to do anything else.

Mr. Powers said that if they look at the memo where he recommended that the Board of Selectmen, the Town Moderator and the Town Clerk take any and all necessary steps to postpone the 2020 Annual Town Meeting until Monday, September 28, 2020. It is his understanding, that the Board of Selectmen and the Moderator once the determination is made that the June 22nd meeting would not occur, because of the pandemic, then the Moderator will continue to carry that over month after month, because of the pandemic. You have already voted for the June 22nd Town Meeting, so there is no action that the Board needs to take tonight, as far as cancelling the meeting, until that certain date. It is more of the action of preparing the process for the 1/12 budget.

Mr. Howell questioned why the approval for the meeting would not just be rescinded at this time. And Mr. Powers said it was not intended for it in this meeting, his intent was just to get the Board on the same page for the 1/12 budget. Then wait for the June 1st meeting with the moderator present to entertain those actions. They had further discussion on this and then decided to move forward with rescinding the date, because it has not been posted yet.

Mr. MacAskill moved that they rescind the previous vote to have Town Meeting on June 22, 2020. Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

Mr. MacAskill then moved to have their annual Town Meeting on September 28th, 2020 and initiate the 1/12th budget mechanism. Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

Mr. McManus said he had a question on the bulletin, specifically bullet item; *appropriations such as reserved premiums, overlay surplus, free cash, stabilization or other similar funds balances*. He asked if Mr. Powers could explain what they are talking about, as things that they should not include. Mr. Powers said it is the concept of the 1/12. If you take your operating budget and divide by twelve, and you exclude these things, then you are in the ballpark of what they are looking for. But they don't want to get into the super majority votes, the stabilization, the overlay cash, the overlay funds, because that should be done by a full Town Meeting discussion and vote. So, they are giving the Board the authority to do this on a monthly basis until they get into Town Meeting.

Mr. McManus believes that is something that bears looking at further. They are looking forward not knowing what the revenues are going to be and trying to figure out what there is to spend. He can see how some of these require a two-thirds vote but, he is trying to get what their rationale is.

B. Discussion and possible Vote – 2020 Beach Season Operating Plan in response to COVID-19

Mr. Powers explained that the packet includes information that Mr. Eric Beebe, Director, Harwich Recreation Department, put together. This is based on two distinct time frames. The first is what the town has an obligation to do, based on the Governor's guidance with Phase I activities, which began yesterday, May 25th. This would go through the pre-cursor to the regular beach season.

Both, Mr. Beebe and Mr. Powers participated in a call last week, which was led by Senator Cyr and Representative Peake; along with Secretary Kathleen Theoharides, who is responsible for Energy and Environmental Affairs, to really get into questions and answers on beach resumption. Mr. Powers shared a document that came from Cape Cod Commission and the Cape Cod Reopening Advisory Board and Rep Peake and Representative Whelan. This document was based on recommendations published by the Massachusetts

Executive Office of Energy and Environmental Affairs and the Massachusetts Department of Public Health and the Center for Disease Control.

Mr. Powers turned it over to Mr. Beebe to provide the overview of the plan that he has been working on since this all started.

Mr. Beebe said that the plan was put together based on the regulations and guidelines that they were given. The pre-season monitoring with their COVID Compliance Personnel started yesterday. They will be stationed at the following ten beaches: Red River Beach, Bank Street Beach, Earle Road Beach, Pleasant Road Beach, Long Pond, Cahoon Beach, Atlantic Ave Beach, Grey Neck Beach, Brooks Road Beach, and Sand Pond. They will be monitoring for social distancing, looking to make sure people are not playing ball or any kind of games on the beach, which is prohibited. They will make sure people have masks on in appropriate situations and making sure no groups of 10 or more. This is a theme that will continue through out the summer.

They have staff precautionary measures, such as one life guard in a stand at all times and coning off larger areas around the stand to keep staff away from the public, as much as they can. Everything will be cleaned multiple times a day and they are really hammering home, that if a staff member does not feel well, to let them know.

For parking they will have full beach parking at all beaches, except for Earl Road and Pleasant Road. They are looking at roughly only half of the parking there, due to the small size of the beach. They will also only be selling day passes at Red River and Long Pond this summer. They also have a plan in place for the gate attendants to receive money from the public without a hand to hand contact. They will use a money box with a slot in it, and it will be exact change only. Restrooms facilities will be open for the beach season and will be cleaned on a daily basis by the DPW. Trash pick-up will continue. All of our food vendors are basically ready and securing final permits from the Health Department, and ensuring they are all familiar with the COVID guidelines. Signage will be at all the beaches, so people will know what to expect.

Mr. Ballantine said that he liked the signs they have posted, and that they are easy to understand. He asked for explanation on how they will plan to contact the police if they do get unruly patrons.

Mr. Beebe responded that he had a conversation with Chief Guillemette and they have a plan in place. This would be similar to what they would do in a normal summer with any issues that a life guard, gate attendant or parking officer may have to deal with. They are trained in orientation on how to deal with it and if the patron is pushing back, they first call a supervisor, if that does not solve the matter, then they do call the police. He has spoken to Chief Guillemette, and they have good understanding of what to do, if that is needed.

Mr. MacAskill asked about the hiring of 13 to 15 COVID compliance personnel, which he has brought up before. Can they get an explanation as to why they are doing this and if they are in addition to the gate attendants? Also, this was mentioned that it is a reimbursable item.

Mr. Powers responded that what they are saying in the guidance document is that they are not looking to use regular gate attendance and monitors. They are looking for security personal to make sure people are socially distancing themselves etc. When they went through the calls and asked the questions, they can use COVID compliance monitors from May 25 to June 26th, because they are not in the normal beach season and they did not budget for it. So that is reimbursable.

The question will come in, if they are still in Phase 2, and they have to have gate attendants, beach monitors and COVID compliance monitors. If they have to bear that cost or if they get into beach season and they see more relaxing of the distancing, then they would be able to rely on their standard budgeted staff of gate attendants and beach monitors.

Mr. Howell mentioned that Mr. Beebe was not on the call earlier when discussing the compliance monitors and asked for clarification, that they are not looking within the group of a family that may be together, but more so the interactions that re not authorized.

Mr. Powers said that Mr. Beebe and Ms. Eldredge worked together on the training materials for the COVID compliance officers and asked Ms. Eldredge to speak further on that. Ms. Eldredge said that she provided Mr. Beebe with an eight slide power point presentation for the compliance monitors. This covers for them when a mask is required or not, and if someone says they have a medical condition and can't wear a mask, that they aren't able to go forward and ask what the condition is. They are also looking for a distance of

approximately 12-feet, but they aren't going to be pulling out a tape measure to see that everyone is that far apart. The documents for the monitors describe that family units do not have to be 12-feet apart, and families with other families can stay within their own 12 foot block. It was pretty explicit to the monitors, on what to look for. Really, the only thing that is mandatory is the mask when you are within 6-feet of someone that is not with your family and then social distancing. The other stuff is guidelines, and if people are gathering with more than 10 people that is something to bump up to supervisors, if they are not willing to disperse.

Mr. Ballantine asked Mr. Powers if this required a vote tonight, or just a consensus. Mr. Powers said that the Board had asked earlier for a report on this and what they have been working on and looking to do going forward. There are no actionable items necessary because they were working with the guidance coming down from the State.

CONTRACTS

A. Discussion and possible Vote to authorize Interim Town Administrator to execute contracts in excess of \$25,000 in response to COVID-19 reimbursable procurement

Mr. Powers explained that this came up from discussion with staff and put it out there for the Board's consideration. They are working on the certification process and the CARES Act money, that was delivered to the State and available for municipalities. The allotment is up to \$1,069,00 and the question came up on the contract amount, as they are trying to procure and get into those services that are needed, such as sanitizing services at restrooms etc. So, he wanted to put in here as a discussion point for the board. If they are willing to authorize him, as the Interim Town Administrator, to execute contracts in excess of \$25,000. This would be if they were in response to COVID-19 reimbursable procurement and they were not able to get it to the board in a timely fashion. He is not looking for carte blanche, and willing to work under what they have presently, wanted to put it out there, as a management tool if it is needed.

Mr. Ballantine confirmed that his intent will be to bring it in front of the Board unless there is a time crunch. Mr. Powers said yes, it may not be needed, but

he does not want the Town to miss out on something that is reimbursable because they could not get to a board meeting to execute a contract.

Mr. MacAskill asked for clarification on what could be so important, if they meet every week. What would be so important on the COVID reimbursements and how sure are they, that they will get those reimbursements. It sounded like it was still a “maybe”. If they are following all the guidance, they still have to deem it appropriate.

Mr. Powers said that there are two things in play here; CARES Act Fund, which is the 1,069,000 which is in queue for them once he and the staff decide what to tie back to it. They have talked about golf, beach and things that were not budgeted for. Mr. Powers referenced a document which they received in the packet; these are items that they should have a strong likelihood of reimbursement because it was CARES Act Funding. The other part of this is the FEMA reimbursement, which would be down the line. For example, the cleaning and disinfection of public buildings; Municipal buildings, including fire stations, public housing, specialized cleaning equipment, air filtration/HVAC and municipal buildings themselves, as in restrooms.

They are actively trying to get augment custodial staff to do the restrooms and any other places that need more than just cleaning and need disinfection. They don't have the capacity, so they are trying to see if there are vendors through the State contract. There will be a timeliness factor. If it falls between a Board meeting and when they have to put in, they could lose out on that reimbursement if they can't get to the Board, unless the Board wants to do an emergency meeting. He just wants to make sure they have all the tools to get all the money that they can and not be hamstrung by the process.

Mr. MacAskill said, just to confirm what ever motion gets put on this should be specific to the CARES Act Fund. Mr. Powers confirmed, and any other restrictions the Board wants to put in, as far as documentation.

Mr. MacAskill said that he is just concerned for anything that the Town needs to spend money on, that may not be reimbursable.

Mr. Ford echoes what Mr. MacAskill said. He also would like clarification on the restrooms, is it a different schedule for cleaning? Mr. Powers said there is cleaning and then disinfecting. The cleaning is a regular process,

disinfecting is the next step up. They have to disinfect on a daily basis, which is above and beyond the normal cleaning. The custodial staff they have right now, is already shorthanded.

Mr. Ford said that they should ask Mr. Hooper who cleaned the beach bathrooms last year, it was someone from the DPW that was not a custodian. Mr. Ballantine said to Mr. Ford's point, that they should look to use the people they have as much as possible.

Mr. MacAskill moves to authorize the Interim Town Administrator to execute contracts in excess of \$25,000, in response to COVID-19 reimbursable procurement with the CARES ACT Fund. Seconded by Mr. Howell.

Mr. McManus said that if they are going to have to disinfect for longer period of time, he would like to see they spend some of the reimbursable funds amongst their own people.

Mr. Powers said that this is FY20, and there is an expectation that there will be an additional funding for FY21. So, there is an expectation to be able to continue to use CARES Act Funds. Disinfecting is a significant transaction based on CDC guidance and requirements, and they have to certify that they have met it. These would be COVID-19 only, and only through the calendar year.

Mr. Howell said that the motion did not cover any of this and Mr. MacAskill should clarify this. He imagines that because it is the CARES Act, they are going to scrutinize this. He would think the DPW should come up with a plan for going forward. He also believes that Mr. Powers will put everything in front of them if not ahead of time, they will at least see it the following Monday.

All in favor, motion carried by unanimous vote.

B. Vote to Approve bid award for tree work at the golf course - \$34,998.00

Mr. Powers said that Mr. Roman Greer, Golf Director and Mr. Shawn Fernandez, Golf Superintendent, are on the call. As shown on the Memorandum in the packet from Mr. Robert Lawton, the bid process and

award of tree work at the golf course has been vetted by counsel and approved and asked Mr. Greer to speak further on this.

Mr. Greer said that the procurement team did vet and approve the bid for the tree work.

Mr. MacAskill asked if these funds were voted to be used in the annual Town Meeting. He assumes there will be less funds in the account, and if they have any thoughts of not to using all the money on this.

Mr. Greer said that they have a seven year plan, and they are currently carrying a balance in the golf improvement fund of \$200,000. So, they do have some reserves that have been dedicated to the future capital plan. They did, under essential spending guidelines, pull articles for this upcoming Town Meeting for further review of pending financial review of the funds. They are expecting them to be less than anticipated.

Mr. MacAskill moved to approve the bid award for tree work at the golf course of \$34,998.00. Seconded by Mr. Ford. All in favor, motion carried by unanimous vote.

C. Discussion and Vote to Approve CVEC Round 4 Solar Default and award two contracts to the second bidder

Mr. Griffin Ryder, Town Engineer, said that this pertains to round 4 of the CVEC solar contracts that the town engaged in with Con Edison. The three projects included; the Public safety building, a canopy in the front parking lot, the Community Center, a canopy on the south side, and then an as-of-right site, an expansion of the solar field at the old landfill.

The Board entered into this contract, about six or eight months ago. Since then, Con Edison has not delivered on any of their promises. They have spoken with Elizabeth Argo, Executive Director of CVEC, and she has spoken with Mr. Leo Cakounes. They believe the best thing to do to declare Con Ed in default and cancel the three contracts. They have also had further discussion with the Police and Fire Department, and they do not want to have a solar canopy in their front parking lot, so calling them into default would allow them to cancel that project and continue the other two projects with the second bidder. The second bidder was already awarded the project on the

north side of the Community Center, which would be good to have the same contractor.

They would like to begin the default process. The Town of Brewster has also already called them into default as well.

Mr. Howell asked if they have taken the steps to terminate and wanted to know if anyone sent out a cure notice, which would give them x number of days to respond. Mr. Powers said that Ms. Argo has been in contact with his counterpart in Brewster and staff here since March 15th. They had delivered notice to Con Ed, that they had two months to rectify, and they have not rectified, so Ms. Argo is asking towns to move forward with terminating.

Mr. Howell asks because he wants to preserve their rights, if you re-procure on the default, if there is excess cost you can go after them legally, if you just terminate you can't. He would be willing to support that, but not cancelling the contract.

Mr. Powers responded that they would be looking for the Board to direct staff to direct CVAC that they consider Con Edison to be in default.

Mr. MacAskill asked Mr. Ryder if he can tell them how much more the second bidder was. Mr. Ryder does not have that information in front of him. Mr. MacAskill asked a second question, that this was a very heavily talked about project, why is it just coming out now that the Police Department does not want it. Mr. Ryder said he was not sure, that the Chief was not fully aware of the project. Mr. Powers commented that the original design, is not what they changed it to. It was going to be in the lower parking lot, but as they got into the design factor it changed it. Mr. MacAskill asked for a follow up by memo on this.

Mr. Howell moved that the Board of Selectmen declare that they enter into default proceedings through the appropriate officials in anticipation of re-procuring and charging against the previous contract. Seconded by Mr. MacAskill

Mr. Ford questioned about the second part regarding the second bidder. Mr. Powers confirmed that this can be two separate items, first going forward with the default.

Mr. McManus asked if they are voting on the default issue tonight. Mr. Powers said that if they declare Con Edison in default, then Mr. Ryder and Mr. Libby will work with Ms. Argo and the CVAC team to take the next steps for the projects they want to keep on tract. Which could include a future procurement contract with GreenSky's. Mr. Ryder agreed, that they would have to bring a new contract in front of the Board. What is in the agenda is spelling out the next steps, but really only asking the decision on the default. He also believes that in default, there is a provision for a 110% for any expenditure the town made to date, with this current vendor. He does not guarantee that, but will follow up on it.

Mr. McManus asked if is there an expectation that tonight they give direction on the re-award process? Mr. Ryder said that it would be helpful, but there is some leg work that needs to be done before going to that next step.

All in favor, motion carried by unanimous vote.

D. Vote to Approve participation in CDBG COVID-19 Grant

Ms. Alice Boyd, Bailey Boyd Associates, has been writing community development block grants for the past 30-years. As a former Harwich resident, she wants to make sure they have an opportunity to participate in getting these funds. The COVID Grant came out a few weeks ago. It is through the Community Development Block Grant (CDBG) and is the first round of funding that is going to be coming available for Municipalities to benefit low and moderate income residents. This funding is \$19.6 million state wide. All nonentitlement communities statewide, can apply for these funds.

There are only three eligible opportunities through CDBG for COVID funds. One of the things they have noticed is the strong need for the micro enterprise and small business loans. Many small businesses have just been decimated by COVID, and they have the opportunity to provide up to \$10,000 to businesses as a forgivable loan to help get them through some of this. The funds can be used for payroll and for operating expenses.

There is also \$10 million available for rental and mortgage assistance. This money will now be going through the Housing Assistance Corporation. They will be dealing with the residents and will be reaching out to them directly. Ms. Boyd said she would still like the town to vote to participate.

Ms. Boyd said that there is more money coming for additional programs and she understands there is more money coming to help municipalities with loss revenues, not sure how much or when they will see it, but she will let them know.

Mr. MacAskill asked how local businesses apply for these funds and also asked about why it says Truro and how many communities are doing this.

Ms. Boyd responded, that CDBG has asked them to put in regional grants, not single town grants. Truro has been the leader of the Lower Cape Grant for the past eight years, previously Wellfleet and before that Eastham. That grant has been going in for 30-years.

People can apply once they have a subgrantee. They are told they are not going to see these funds until August 1st, and they are going out to bid through the Town of Truro for an organization to run the loan program. Those bids are due on June 4th, and they will be hiring someone. As soon as they can hire the organization, they will be sending information to the Town, posting on websites and getting in touch with the Chamber of Commerce and the business community announcing the availability of the grants. She anticipates they will be accepting applications by early June, for the initial applications. They still won't know how much money is available, but they will be able to get things started. Then as soon as the money comes in, they can get the money out within six weeks to businesses. As far as the housing assistance, there has not been a definitive allocation to the Housing Assistance Corporation, but that should be happening soon.

Mr. MacAskill asked, if this is not voted on tonight then the residents can not apply. Ms. Boyd confirmed, that is correct.

Mr. McManus asked what other towns are in this regional group. Ms. Boyd explained that this grant is for the eight Lower Cape towns, from Provincetown down to Harwich and Brewster. Every town has signed on to participate, Harwich is the last. They have worked with the eight towns very often. Harwich will get a significant amount, and this will be a real benefit for Harwich.

Mr. Howell questioned that there seems to be two moving parts and asked about the Housing Assistance Corporation portion. What is the total of the rental assistance portion.

Ms. Boyd said this is a new development since she had sent out the memo to the board. The CDBG thought it was best to go to the Housing Assistance Corporation and they will have the funds and make them available to individuals. They will market through nonprofits and local housing organizations but they will deal directly with the families.

Mr. McManus moved that the town of Harwich participate in the regional FY19 CDBG COVID-19 Grant for small business and micro enterprise loans along with the rental and mortgage subsidies program. Seconded by Mr. MacAskill. All in favor, motion carried by unanimous vote.

- E. Vote to Approve and authorize the Chair to sign Commonwealth of MA Dredging Program Grant contracts for Allen Harbor and Wychmere Harbor - \$72,000.00

Mr. Powers made mention of the memorandum that is in the packet from Mr. John C. Rendon, Harbormaster, about the Barnstable County dredge contract. This would be for the Allen Harbor channel dredge and Wychmere Harbor channel dredge projects. He recommends that the Board approves the contracts.

Mr. MacAskill moves to approve and authorize the Chair to sign the Commonwealth of MA Dredging Program Grant contracts for Allen Harbor and Wychmere Harbor for \$72,000.00 Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

Mr. Rendon asked to make one comment, that the amount needs to be approved was inaccurately put as \$72,000 .. and mentioned the correct amount of \$36,000 that also accounts for the offset of 36,000 in grant funds.

TOWN ADMINISTRATOR'S REPORTS

- A. Update on Piping Plovers on Town Beaches

Ms. Amy Usowski, Conservation Administrator, was present to provide an update on the piping plover situation and how it will impact beach activities and parking. Currently, they have a couple of sets of plovers at Red River Beach, on the east end and they hatched today. This is good news because they will fledge or fly about a week prior to 4th of July. If you go to Red River Beach now, there are concrete barricades and are put up when the bird's hatch. They will come down when the birds take flight. It is a state requirement to protect the birds and by law they need to block that area off. Two-thirds of the beach is still open.

Ms. Usowski asks that people be patient. If the nests fail, they could potentially re-nest and cause the beaches to be closed for a longer time.

On Bank Street Beach, between Wychmere and Sea Street, they have three pairs of birds. Wychmere has a nest just to the west of Winstead, they have just laid eggs now, so they likely won't hatch till closer to July 4th. They will have increased monitoring and it will take more effort to monitor the plovers to be able to continue beach raking.

Ms. Usowski would like to thank all of those that have volunteered to help. They do still need assistance with the monitoring in the morning. Though they have a good handle on it .

Mr. Ballantine said it is nice to concern themselves with the wildlife.

OPEN PUBLIC FORUM

A. See dial in instructions above

Mr. Ballantine opened the Public Forum. The public was invited to call in and participate in the meeting to offer comments and/or questions. Mr. Ballantine asked Lieutenant Scott Tyldesly if anyone had called in.

Lieutenant Tyldesly introduced Ray Tomlinson that was already on the line.

Mr. Tomlinson introduced himself, that he is there on behalf of the Brackett's and the Port and Ember Restaurants.

They did not have as busy of a weekend as they had hoped; which is likely consistent across the board. The news that there may be some updated guidance coming later this week for restaurants that have outdoor seating available, or parking to allow for outdoor seating, is very good news. He did exchange emails with Ms. Eldredge, and she was very responsive and he appreciates that. He also felt that the town is doing a great job in getting out the updated guidance, as much as possible.

Mr. Tomlinson explained that the restaurant industry is critical to Harwich and Harwich is critical to the local purveyors. They are hoping the new guidance will be informative and hopefully ease some of the restrictions that will greatly benefit the restaurant industry as a whole.

Mr. Ballantine said that they will continue to take that up weekly.

Mr. Tomlinson continued, that both the Port and Ember are large establishments, with large outdoor areas. One of the questions that he posed to Ms. Eldredge, is how do restaurants accommodate the patrons that gather while they wait for their food to be prepared. A lot of people were calling in the orders, prior to Memorial Day, because they were mostly locals. Now they are seeing more people walking up with orders and needing to wait 35-45 minutes. While Ember and the Port are fortunate to have large outdoor spaces, they are not allowed to consume anything on premises, but it is a large concern how they gather while they wait. It is fluid and they are still waiting on guidance.

Mr. Powers responded that the Board will have an opportunity to respond to that next week with more specifics.

Mr. McManus asked about what guidance was sent out. Ms. Eldredge responded that she sent out a guidance to all business's, restaurants included, regarding the standard protocols for businesses that are open. This included social distancing, employee training and standard safety procedures. It was not specific to outdoor dining. She has sent several emails out to all restaurants at the beginning of COVID -19, and the middle of it to remind them of the regulations of curb side, take out, delivery only, and no onsite consumption of food or beverages. Mr. McManus asked if she could share that with them Board of Selectmen. Ms. Eldredge responded that she would but again that they are still the State guidance.

Mr. Powers said, just to build off of that, staff had sent five separate reminders to restaurants for beer and wine service, with the guidance from the ABCC. There has been nothing added, just the directive from the ABCC.

Mr. Ballantine read the email address again for the Public Forum, if there were others that wanted to email in.

TOWN ADMINISTRATOR'S REPORT CONT'D

Mr. Powers just wanted to remind the Board and the general public that there is a meeting on Wednesday, May 27th at 4pm. It is a go-to-meeting only and that it is a Board of Selectmen meeting with department heads.

SELECTMEN'S REPORT

No reports.

ADJOURNMENT

Mr. Howell moved that they adjourn at 8:13 pm. Seconded by Mr. MacAskill.

Respectfully submitted,

Lisa Schwab
Administrative Assistant