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HARWICH, MA

2023 MAY 23 A 10: 22

MINUTES
BOARD OF SELECTMEN
DANA B. GRIFFIN ROOM, TOWN HALL
732 MAIN STREET, HARWICH, MA
EXECUTIVE SESSION 5:15PM
REGULAR MEETING 6:00PM
MAY 8, 2023

MEMBERS PARTICIPATING: Michael MacAskill, Chairman, Mary Anderson, Vice Chair, Julie Kavanagh and Don Howell Larry Ballantine was present virtually.

ALSO PARTICIPATING: Joseph Powers, Town Administrator

CALL TO ORDER

Chairman MacAskill called the meeting of the Board of Selectmen to order on 05/08/23 at 5:15PM and announced that they will be entering into Executive Session and returning to the Regular Meeting no later than 6:00PM.

EXECUTIVE SESSION

Mr. Howell moved to enter into Executive Session for 3 purposes as presented, seconded by Ms. Anderson. The vote 4:0 in favor by roll call vote.

- A. Pursuant to M.G.L. , c 30A, s 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, s 22(f), (g)- To review, approve and/or discuss the possible release of executive session meeting minutes dated October 3, 2022 and November 7, 2022
- B. Pursuant to MGL c. 30A, s21(a) paragraph 3 to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigation position of the Town and the Chair so declares: Christopher D. Wise v. Town of Harwich Planning Board et al. (and Halls Path), Superior Court C.A. no. C.A. NO 2172CV 00239
- C. Pursuant to G.L. c. 30A, sec. 21(a)(2) to conduct strategy sessions in preparation for negotiations with non-union personnel and to conduct contract negotiations with non-Union personnel: Fire Chief, Finance Director/Town Accountant, Town Administrator

Chairman MacAskill called the meeting of the BOS back to order and stated that they approved the Executive Session Minutes of October 3, 2022 and November 7, 2022.

They also discussed litigation regarding Christopher D. Wise v Town of Harwich Planning Board et al. (and Halls Path), some decisions were made but no announcements were made as litigation is ongoing.

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Also discussed were negotiations with the Fire Chief and Finance Director/Town Accountant. negotiations with the Fire Chief are ongoing and the Finance Director/Town Accountant now have a ratified employment agreement which will be announced next week.

PLEDGE OF ALLEGIANCE

Chairman MacAskill invited all attendees to join in the Pledge of Allegiance.

PUBLIC COMMENTS/ANNOUNCEMENTS

Emily Mitchell, Town Clerk announced that the Town Elections will take place on Tuesday, May 16th and noted voting hours and options for voting. Sample ballots are available on the Town's web page.

Tom Birch, Harwich resident thanked the BOS members and others for putting together Town Meeting. He had written suggestions of how to deal with Petitions which he gave to Chairman MacAskill for discussion at another time.

A. Committee Vacancies

Ms. Anderson highlighted the Voter Information Committee which is still unable to meet because they do not have a quorum. One more member is necessary to make a quorum.

B. Memorial Day Ceremony - Monday, May 29, 2023 at 9:30 a.m. Brooks Park

Mr. Powers noted the Memorial Day Service honoring Veterans and shared details.

C. Annual Town Election May 16, 2023 at Harwich Community Center, 7:00 a.m. to 8:00 p.m.

PUBLIC PRESENTATIONS/PUBLIC HEARINGS

B. Presentation by the Harwich Fire Department and Harwich Fire Association

Taken out of order at the request of the Chair. Bruce Young, President of the Harwich Fire Association began the presentation on behalf of Chief LeBlanc, Deputy Chief Thornton and Harwich Professional Firefighters Local 2124 of the Fire Association and presented the BOS with a framed picture the members of the Harwich Fire Department of some retired Firefighters. The picture was taken in May 2022 and he described the range of years and service of the Firefighters in the picture which will be displayed in Town Hall. A picture was taken with the BOS.

A. Pine Oaks Village Proposed Phase IV Mixed Income Housing at Queen Anne Road, North Harwich

Gregory Winston, President and Chairman of the Board of Mid Cape Church Homes gave a brief history of Mid Cape Church Homes. He explained that in recognition of the people in town they have officially changed their name to Pine Oak Village Homes. He explained that their goal is to meet the requirements of mixed income housing, senior housing and handicapped accessible housing. He recognized Dick Gomes as someone who helped him tremendously with the project and he also recognized and introduced the members of his Board that were present. He also introduced Bob Doane who will be presenting the project. James Perrini of Commonwealth Community Developers was in attendance and also part of the presentation.

Mr. Doane gave a brief history of the Pine Oaks Village, the housing needs in Harwich and their goals and their vision to create mixed income housing. He described, in detail the property they intend to use on Queen Anne Road, what buildings and other things such as a playground will be on the property. He listed the names of the sellers of the property. They anticipate working in 3 phases with 80-100 units in each. He continued with a visual presentation and gave a detailed explanation of each phase, the water treatment needs, traffic studies and other concerns that they have addressed.

Mr. Perrini spoke about zoning, going through 40B and hopefully having the Town's support. He spoke of funding streams and income levels of apartments. He also noted the timeline for the application process and what that entails. He expressed that they are having a meeting with abutters and future abutters to listen to their needs and concerns and their desire to work with the Town.

Mr. Ballantine commented on their concept and noted the attention to open space.

Ms. Kavanagh noted her appreciation for all their work and looks forward to working with them.

Ms. Anderson expressed her support for the project and offered her help.

Mr. Howell also expressed appreciation to the sellers and everyone involved. He also commented on the vision and expressed his support.

Mark Kelleher of West Harwich asked about property taxes, if they would pay as a non-profit or if there would be other fees paid.

Mr. Donae responded that, in the past, other Villages have made agreements to pay half the taxes in their town to help with road improvements etc.

Unidentified woman shared details of where and when the abutters meeting will take place.

Tom Birch, owner of properties on Queen Anne Road asked how the "up to 70% range for Affordable Housing" is determined. He also asked about more than one entrance to the Village.

Mr. Perrini replied with a detailed answer and what is involved in how that number is determined.

Mr. Winston replied that they are still exploring options for access to the Villages. He also commented on the “70%” and the goals for Harwich residents.

Mr. Gomes thanked Mr. Winston and the committee for their hard work and commended them for their efforts for affordable housing.

Mr. Chorey asked questions about numbers of units and people to occupy those units. He expressed concerns on the impact on the schools and his support for the project.

Mr. Doane replied with the answers to Mr. Chorey’s questions.

Elizabeth Harder offered her assistance and expressed her gratitude.

Ed McManus commented on the project and offered his assistance.

Art Boden, Harwich resident, expressed his support for the project. He offered suggestions regarding the 70%.

Allen Hall of North Harwich expressed his support for the project and expressed gratitude to family members who contributed property.

Jackie Edston of South Harwich expressed her support for the design the town houses and noted concerns about the design of apartments. She offered suggestions.

CONSENT AGENDA

A. Approve Board of Selectmen Meeting Minutes for April 24, 2023

Mr. Howell moved to vote to approve the Consent Agenda as presented and also the minutes from May 1, 2023, seconded by Mr. Kavanagh. Vote 5:0 in favor.

NEW BUSINESS

A. Update from Harwich Representative of the Cape Cod Commission on a year-to-date update

Jacqueline Etsten gave a brief update on the Cape Cod Commissions accomplishments. She also expressed concerns about the budget not being available and a project they have approved which she does not support.

Mr. MacAskill asked Ms. Etsten if she is still willing to serve as a representative and she replied yes.

Board members asked questions and also expressed concerns.

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- B. Vote to appoint a Harwich Representative to the Cape Cod Commission for three-year effective April 25, 2023 through April 24, 2026

Mr. Howell moved to appoint Jacqueline Etsten as Representative to the Cape Cod Commission for the time specified by the Chair, seconded by Ms. Anderson. Vote 5:0 in favor.

- C. 2023 Annual CC-213 Recertification of the Community Rating System (CRS) under the National Flood Insurance Police

Mr. Howell moved to approve the Recertification as presented and to allow the Chair to sign, seconded by Mr. Anderson. Note 5:0 in favor.

- D. Discuss the Board of Selectmen policy on street lights and resident request

Mr. MacAskill noted a resident's request for a light at the Wixon Dock area and the present policy restricting additional lights.

Mr. Howell commented on a zoning by-law regarding ambient lighting and he noted the reason for the policy. He is not in favor of additional lighting.

Ms. Anderson is in favor of the lighting and expressed reasons.

Ms. Kavanagh is in favor of the lighting and expressed reasons.

Chief Guillemette clarified that it is not the Wixon Dock area but rather the Cahoon Road Beach parking lot. He supports the lighting and expressed reasons and noted police involvement.

Mr. MacAskill noted that the beach would under the Recreation Department's jurisdiction.

Mr. Powers noted that if the request is for a light on Town property in a parking lot, it is not a street light and the Board can act on it or they can make reference to an exception.

Mr. MacAskill noted that he thinks it should be referred to the Recreation Committee and have the Department head weigh in.

Ms. Kavanagh noted that it is a safety issue and it will come back to the BOS if Rec doesn't approve the light.

Ms. Anderson also agrees that it should go to Rec but notes that there are no references to beach lots but rather roads and intersections.

Mr. Ballantine commented on lighting that minimizes light pollution. He exited the meeting.

- E. Approve proposed fee structure for supporting Cultural Affairs Programming

Mr. Howell expressed concerns about the fees and noted how they effect the Junior Theater.

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Mr. MacAskill noted that fee waivers can be requested. He commented on the need for bringing revenue and moving forward with the fees. There can be amendments made if needed in the future.

Ms. Anderson and Ms. Kavanagh agree and are in favor of the fee structure as proposed.

Mr. Anderson moved to approve the fee structure for supporting Cultural Affairs Programming as presented, seconded by Ms. Kavanagh. Vote 3:1 with Mr. Howell voting nay.

F. Review and take action on G.L. c. 268A, Section 23(b)(3) Disclosure of Appearance of Conflict of Interest Form- Craig Chadwick, Planning Board

Mr. Howell moved to to approve the request for as waiver of conflict of interest implications, seconded by Mr. Anderson. Vote 4:0 in favor.

G. Approve a 2023 Weekday and Sunday Amusement license renewal for Grand Slam Entertainment - 322 Main Street - Amusement Type Video Games & Batters Box

Mr. Howell moved to vote to approve the 2023 Weekday and Sunday Amusement license as presented, seconded by Ms. Anderson. Vote 4:0 in favor.

H. Debrief on 2023 Town Meeting

Mr. Powers referred to the materials in the packet and thanked the voters, the Department heads and Meggan Eldred, Danielle Freiner and Patience Smith-Cabrera for their support. He recognized the Board members for their hard work and support.

Ms. Kavanagh noted the amount of info that the Town of Orleans makes available. She commented that she finds it disconcerting how many times people are not allowed to speak at Town Meeting. She particularly noted the Superintendent of Monomoy Schools and suggested they look at different methods to deal with that issue. Town Meeting went well but there are improvements that can be made.

Ms. Anderson commented on Eastham's Town Meeting having many more people in attendance and she suggested trying a Saturday. She was surprised that no items on the Budget were pulled out.

Mr. Howell commented on a Saturday Special Meeting that had a large attendance. In terms of doing anything that relates to Petition Articles, Mr. Howell noted a suggestion to delve into the possibility of tying it into a ratifying vote at Town Election afterwards. He also suggested moving the petitions closer to the Budget and not at the end of the meeting. He commented that any Department head should be able to speak at town meeting regardless of where they live.

Mr. MacAskill noted that he will be bringing back several things to discuss in the future. He thanked the Town Clerk, Jamie and the Channel 18 crew, Finance Committee, the debates were excellent and he credited Bonnie Bridges and Patrick Otton for their work. He stated that he does not, in any way, think it's ok for 240 people at that meeting and that 130 made law for 13,000 people. He mentioned that it is time to change Town Meeting, day, time, location and/or dates. He commented that it was appalling to him that people from other towns, specifically Brewster, coached people who were speaking on their behalf. He noted how they were speaking behind the microphone and telling people what to say, He agreed that Dr. Carpenter should have been allowed to talk. They did get a lot accomplished they came out of Town meeting with a lot of great things for the residents of the Town of Harwich, He expressed his gratitude to everyone who worked to make that happen and stated that he is proud to live here.

Mr. Powers noted an error in the material he provided which he explained. He commented that looking at the results and how much was adopted, he thinks it was a good result for the Town.

Mark Kelleher commented on a town that bundles uncontroversial items together in the interest of time.

Mr. Chorey suggested looking at Chatham's Warrant and how things are grouped, changing the day to a Saturday and using a clickers for voting and possible sharing clickers with Chatham. He noted the benefits of using clickers.

Mr. Howell gave a shout out to the new IT Director who had a lot to do with the Orleans website.

TOWN ADMINISTRATOR'S REPORT

Mr. Powers announced an appointment of Edwin Jawinski as the new Grounds Keeper 1 for Cranberry Valley.

SELECTMEN'S REPORT

no reports

ADJOURNMENT

Mr. Howell moved to adjourn, seconded. Vote 4:0 in favor.

Meeting adjourned.

Respectfully submitted,

Judith R. Moldstad
Board Secretary

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