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2023 JUN 14 A 9:51

**MINUTES
SELECT BOARD
HARWICH TOWN HALL
MONDAY, JUNE 5, 2023
6:00 P.M. - REGULAR MEETING
REMOTE PARTICIPATION OPTIONAL**

SELECTMEN PARTICIPATING: Mary Anderson, Julie Kavanagh, Michael MacAskill and Jeffrey Handler

ALSO PARTICIPATING: Joseph Powers

CALL TO ORDER

Ms. Anderson called the meeting to order at 6:00 p.m.

PUBLIC COMMENTS/ANNOUNCEMENTS

Mark Kelleher was present and reiterated that he thinks that it would be helpful for Harwich to have a town newsletter. Mr. Kelleher briefly reviewed the newsletter that the Town of Chatham produces. Mr. Kelleher offered this assistance with the newsletter. Mr. Kelleher also discussed short-term rentals, stating that he understands that it would be a process for registration. He suggested that the town could work with a company and utilize the information already on file with the Building Department to start the process. By doing this, Harwich would be able to get their hands around just how many of the homes and cottages are being used for short-term rentals, adding that he feels that short-term rentals may be a bigger issue that we are aware of.

Ms. Anderson responded that both of Mr. Kelleher's comments are on her list of things that she would like to accomplish and made note that Mr. Kelleher offered his assistance.

Harwich Chamber of Commerce Executive Director Cyndi Williams was present and stated that the first annual BBQ competitions being held on Saturday night has sold out. If tickets were purchased, they can be picked up at the Chamber office.

CONSENT AGENDA

A. Approve Select Board Meeting Minutes:

1. May 22, 2023
2. May 30, 2023

Mr. Handler moved to accept the consent agenda as presented, 2nd by Mr. MacAskill and approved 4-0-0.

NEW BUSINESS

- A. Affirm the appointment of Ashley Symington as Director of Youth and Family Services

Mr. Powers presented for the Select Board's affirmation the appointment of Ashley Symington as the Director of Youth and Family Services. Mr. Powers briefly reviewed Ms. Symington's professional background and knows that she is up to the task of filling the position.

Mr. Handler moved to affirm the appointment of Ashley Symington as the Director of Youth and Family Services as presented, 2nd by Ms. Kavanagh and approved 4-0-0.

- B. Water/Wastewater Superintendent to present design drawings and discuss project bid and bid schedule for the Cold Brook Eco Restoration Project; Votes may be taken

Water/Wastewater Superintendent Dan Pelletier was present remotely. Nick Nelson from Inter-Fluve was present.

Mr. Nelson started by saying that this project has been going on for a few years now and we are now getting close to the bid and construction phase of the project. The design is at the construction ready stage, which includes a few modifications that were requested by the Conservation Commission. Mr. Nelson presented a drawing to show the turtle protection plan during construction. A map was presented that showed a few locations where excavated material will be placed. These 3 locations were either upland previously or were part of the tail water pond. These areas will be elevated 5-7' or so from the existing ground. Any trails that were in these areas will go up and over the mounds and there will be trails that will go around the mounds to maintain ADA compliance. The Conservation Commission had requested a reduction of the total number of pieces of large wood placed in the stream channel. The number of pieces of wood has been reduced by about half. The plan also shows the relocation of the construction channel further into the pond to allow for a more direct channel flow and to allow the fish to find their way up and down the stream more easily. In terms of the upcoming schedule, Mr. Nelson stated that they hope to submit bid documents to the central register this Thursday so that it will be advertised next Wednesday. There will be a 4-week bid opening period with bids to be opened on July 12th. It is proposed that there will be a site visit on June 21st for interested contractors, to show them the site and share the plans. Mr. Nelson and Inter-Fluve have been working with the town's counsel on the bid documents and agreements. Modifications were made to the agreement template, and it has recently been finalized. One of the elements of the agreement is that they know and understand that the town and Harwich Conservation Trust are still finalizing how to be able to transfer the funds from the town to Harwich Conservation Trust for construction. Inter-Fluve has been working with Town Counsel to come up with appropriate language for the bid documents. The hope is to keep pushing forward with the bidding because there are grant deadlines that need to be met to not lose funding.

Mr. MacAskill asked what it will take to finish the agreement. Mr. Nelson responded that the agreement has been in Town Counsel's hands and that he will be working with Harwich Conservation Trust to finalize the details. He hopes that finalization will happen any day now and

it will be ready to go by the time the project is ready for construction. Mr. MacAskill asked Mr. Powers to look into this further.

Mr. MacAskill asked if there will be a project manager. Mr. Nelson responded that they are getting under contract with Harwich Conservation Trust to be the project manager. Mr. MacAskill asked who from the town will be working on this besides Mr. Pelletier. Mr. Nelson responded that Conservation Administrator Amy Usowski has been on site regularly. Mr. Pelletier added that he has been the point person since the departure of the Town Engineer, and that he has been trying to keep ushering the project forward. He added that this project is certainly outside of his wheelhouse. Mr. Pelletier commented that this might be a good opportunity for the incoming Natural Resource Director. Mr. Powers responded that the Natural Resource position will be posted this week and that he agreed that it would be a great introduction to the town to have them on this project.

Mr. Nelson commented that they will be having weekly construction meetings and that there will be monthly updates presented to the Select Board.

Mr. MacAskill asked to confirm that the staging area for construction will be at 204 Bank Street. Mr. Nelson confirmed this and added that there will be a small staging area at the Cedar Swamp Bog, where work is being done as well.

Mr. Handler thanked Mr. Nelson and appreciated their interest and strategy in obtaining grants. He asked Mr. Nelson what the expectation is as to the number of bids that would be received. Mr. Nelson responded that for a project like this, he would expect 4-8 bidders.

Mr. Kavanagh thanked Mr. Nelson for all the information and wants to make sure that this is not held up in terms of legal matters.

Mr. Pelletier confirmed that no Select Board action is required tonight.

C. Approve the proposed Fiscal Year 2024 Holiday Calendar

Mr. Handler moved to approve the proposed Fiscal Year 2024 Holiday Calendar as presented, 2nd by Mr. MacAskill and approved 4-0-0.

D. Approve the following Conservation Restrictions:

1. 2 Old Chatham Road
2. 115 Sears Road
3. 8 Salt Meadow Lane

Mr. Handler moved to approve the Conservation Restrictions as presented, 2nd by Mr. MacAskill and approved 4-0-0.

E. Vote to install a streetlight on an existing pole at Cahoon beach parking area located on Cahoon Road

Mr. Handler moved to approve, under the Select Board street lighting policy exception # 1, the installation of a streetlight on an existing pole at Cahoon beach parking area located on Cahoon Road, 2nd by Mr. MacAskill and approved 4-0-0.

F. Approve the following Special Permit applications:

1. One day Entertainment and One day Wines and Malt license for Harwich Conservation Trust – Event on June 24, 2023, 4:00 p.m. to 6:00 p.m., at 1039 Route 28 – Recorded/live music, dancing by patrons or performers, amplification

Mr. Handler moved to approve the one-day Entertainment and One day Wines and Malt license for Harwich Conservation Trust – Event on June 24, 2023, 4:00 p.m. to 6:00 p.m., at 1039 Route 28 – Recorded/live music, dancing by patrons or performers, amplification, 2nd by Mr. MacAskill and approved 4-0-0.

1. Road Race permit for 5K for the Children – Event on October 14, 2023, 10:00 a.m. to 12:00 p.m., at 1 Schoolhouse Road

Mr. Handler moved to approve the Road Race permit for 5K for the Children – Event on October 14, 2023, 10:00 a.m. to 12:00 p.m., at 1 Schoolhouse Road, 2nd by Mr. MacAskill and approved 4-0-0.

G. Approve a 2023 Weekday and Sunday Seasonal Amusement license renewal – The Trampoline Center – 296 Route 28 – Amusement Type: Trampolines

Mr. Handler moved to approve a 2023 Weekday and Sunday Seasonal Amusement license renewal-The Trampoline Center- 296 Route 28- Amusement Type: Trampolines, 2nd by Mr. MacAskill and approved 4-0-0.

H. Approve a 2023 Weekday and Sunday Seasonal Amusement license renewal – S&S Amusements, LLC d/b/a Bud's Mini Golf – 9 Sisson Road – Amusement Type: Miniature Golf

Mr. Handler moved to approve a 2023 Weekday and Sunday Seasonal Amusement license renewal – S&S Amusements, LLC d/b/a Bud's Mini Golf – 9 Sisson Road – Amusement Type: Miniature Golf, 2nd by Mr. MacAskill and approved 4-0-0.

I. Update on 374 Main Street

Ms. Anderson asked for clarification on which warrant article is being discussed. Mr. Powers responded that article 60 was adopted at Town Meeting and article 61 was indefinitely postponed.

Mr. MacAskill stated that he asked for this to be put on the agenda. This discussion is related to the cranberry bogs that are currently leased by Leo Cakounes. Discussions regarding these bogs and the possible creation of an agricultural education center have been going on for over a year.

Mr. MacAskill had asked the Select Board Chair if the Board would be okay with him staying on and helping drive this project to completion. Mr. Powers is in the process of forming procurement.

Ms. Anderson stated that this looks to her like the perfect example of delegating projects. If there are other projects that members would like to take on, she would be happy to accommodate.

Mr. Handler asked what is involved in taking this project to the finish line. Mr. MacAskill responded that it would start with having meetings and having everyone in the same room to talk about expectations. There have been a lot of conversations and while Mr. MacAskill is happy with counsels' involvement, he feels that counsel trying to negotiate without the Select Board's presence is not working. Mr. MacAskill would look to have a meeting with the Town Administrator, counsel for the Cape Cod Tech School, Cape Cod Tech School Superintendent and Town Counsel to hash out what everyone is looking for and then come back to the Select Board with an action plan. Mr. MacAskill would also like to include the Chair of the Conservation Commission in these meetings, noting that the Conservation Commission will certainly be involved with the project.

OLD BUSINESS

A. Discussion on next steps for Chatham Road and Route 39 intersection

Mr. Powers stated that he does not have any updates yet. He noted that the Select Board received, through the Chair, an email from Jon Chorey with his comments from a previous meeting. Mr. Chorey's comments will be added to the project file and Mr. Powers is working to have the Traffic Safety Committee come together to discuss this and other traffic concerns.

Ms. Anderson commented that Mr. Chorey's comments make a lot of sense, would have minimal costs, and may solve the traffic situation.

Ms. Kavanagh stated that these discussions should be held as public hearings and the abutters should be notified of the meetings to allow for their input.

Mr. MacAskill asked that the Traffic Safety Committee be contacted to get their notes on this intersection.

Mr. Handler echoed Ms. Kavanagh's comments, adding that transparency and having the meetings open to the public so they can weigh in is a pretty big deal.

Mark Kelleher was present and feels that Mr. Chorey's ideas were great. He thinks that there is a lot to be considered and that Ms. Kavanagh is right about the meetings being public.

Ms. Anderson asked when Mr. Powers would have information for the Select Board. Mr. Powers responded that he has a need to get in front of the Traffic Safety Committee and wants to make sure that he has all of the information. Since issues with this intersection have come to light, other areas of traffic concern have arisen. Mr. Powers stated that he has reached out to the Chair of the Traffic Safety Committee and has yet to hear back.

CONTRACTS

- A. Approve the following License Agreements for the Cultural Affairs Programming located at 204 Sisson Road:

Mr. Powers thanked Assistant Town Administrator Meggan Eldredge and Director of Cultural Affairs Kara Mewhinney, as well as the people who are looking to retain or to become new tenants of the building. Presented to the Board was a set of license agreements including the tenant's name and location (room number) in the building. Mr. Powers recommended that the Select Board affirm and execute the license agreements as presented.

Ms. Anderson didn't think the list as presented is complete and that there were more agreements to be finalized. Mr. Powers responded that he thought the list was complete but would circle back to staff to confirm.

Mr. MacAskill asked if these agreements displaced anyone, how many people applied and how many were denied. Mr. Powers responded that it is his understanding that every one of the present tenants that responded are receiving a license agreement. He believes that 2 of the tenants opted to not renew their agreement as they were paying rent, but not active in the building. One tenant is moving from the modular building into the main building itself. The town can now immediately proceed with the removal of the modular classrooms and retrofitting of the back of the building.

Mr. Handler thanked Ms. Eldredge and Ms. Mewhinney. He thinks that this is exactly the direction that this building needs to be moving in, still knowing that it is not the final direction.

Ms. Kavanagh asked if preference was given to Harwich residents. Mr. Powers responded that he did not recall that preference but would look back through the RFP process.

- A-04 - Tim Johnson
- A-07 - Natalie Stafford
- A-09 - Janna Powell
- 103 - Erika Nickerson
- 105 - Carolyn Dunford
- 106 - Georgene Reidl
- 107A - Joanne Patukonis
- 108 - Nina Gagarin
- 109 - Stichology-Jane Bessette
- 110 - Cape Cod Makers
- 111 - Nick Nickerson
- 112 - Heather Pilchard
- 114 - Heather MacKenzie
- 115 - Deborah Greenwood
- 201 - Anne Flash
- 202A - Anne Morse

- 204 - Roe Osborn
- 205 - Bernadette Waystack
- 206B - Alla Zbinvosky
- 208B - Jodi French
- 209A - Kim Gagne
- 212 - Taylor Fox
- 213 - Ellen Davies
- 214 - Gail Hickey
- 215 - Martha Little Fuentes
- Lower Level Shop - Jesse Marsolais
- 107b - Donna Spillane
- A04 - Tim Johnson

Mr. Handler moved to approve the license agreements for the cultural affairs programming as laid out on the agenda and in the Select Board packet totaling 28 licenses, 2nd by Mr. MacAskill and approved 4-0-0.

Ms. Anderson also gave thanks to Ms. Eldredge and Ms. Mewhinney as well as Bernadette Waystack for their efforts to help keep people calm and relaxed and move them through this process.

- B. Approve and authorize the chair to sign the Memorandum of Agreement (MOA) between the Town of Harwich and Massachusetts Department of Transportation (MassDot) for signage installation on municipally owned public roadways

Mr. Handler moved to approve and authorize the chair to sign the Memorandum of Agreement (MOA) between the Town of Harwich and Massachusetts Department of Transportation (MassDot) for signage installation on municipally owned public roadways, 2nd by Ms. Kavanagh and approved 4-0-0.

TOWN ADMINISTRATOR'S REPORT

Mr. Powers congratulated anyone who has reached the milestone of graduation, especially Monomoy Regional High School and Cape Cod Regional Technical School. All of the presentations that were made at graduation were fantastic. Congratulations to all was given.

SELECT BOARD MEMBER'S REPORT

Mr. MacAskill asked when the Board is going to see the procurement master plan. Mr. Powers responded that the information has been prepared for June 12th. Mr. MacAskill asked that the Board be provided with the plan before the release of the Friday packet. Mr. Powers agreed.

Ms. Anderson announced that she attended the Monomoy Regional High School graduation on Sunday and was blown away by the ceremony and the personal touches put forward from Principal Jennifer Police. Ms. Anderson also commented on the wonderful singing performance done by Britania Buckner and Julia Morgan. Scott Carpenter also did a nice job with some adulting 101 tips and told funny stories, with their permission, about his children.

Ms. Anderson stated that when Mark Forest was re-elected, there was an interview article in the paper where Mr. Forest said that he would continue to have open office hours. Ms. Anderson would like to start holding open office hours for herself at Town Hall.

Mr. Handler asked if the graduation ceremony was recorded. Mr. Powers responded that the recording can be accessed through the town's you tube channel.

Ms. Kavanagh also gave kudos to Principal Jennifer Police, noting that she is a unique person and a great leader.

CORRESPONDENCE

No correspondence was discussed.

ADJOURNMENT

Mr. MacAskill moved to adjourn the meeting of the Select Board, 2nd by Mr. Handler and approved 4-0-0.

Respectfully submitted,
Jennifer Clarke
Recording Secretary