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HARWICH, MA

2023 OCT -3 A 10: 57

**MINUTES
SELECT BOARD MEETING
DONN B. GRIFFIN ROOM, TOWN HALL
732 MAIN STREET, HARWICH, MA 02645
EXECUTIVE SESSION 5:30 PM
REGULAR MEETING 6:00 PM
MONDAY, SEPTEMBER 18, 2023**

MEMBERS PARTICIPATING: Mary Anderson, Chair, Julie Kavanagh, Vice Chair, Jeff Handler, Clerk, Michael MacAskill and Don Howell

CALL TO ORDER: Ms. Anderson called the meeting of the Harwich Select Board to order on September 18, 2023 at 5:30PM and announced that they will be going into Executive Session and returning no later than 6:00PM.

Mr. Handler moved that the Select Board move into Executive Session as presented, seconded by Mr. Howell.

Vote 5:0 in favor by a roll call vote. Motion carried.

EXECUTIVE SESSION:

A. Pursuant to MGL c. 30A, s21(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; 62 Route 28, West Harwich

Ms. Anderson reopened the Select Board Meeting and reported that the Select Board met in Executive Session and no action was taken.

PLEDGE OF ALLEGIANCE:

Ms. Anderson invited all attendees to join in the Pledge of Allegiance.

PUBLIC COMMENTS/ANNOUNCEMENTS

Cindy Williams, Executive Director of the Harwich Chamber of Commerce, noted last weekend's cancellations due to weather. She gave information about the rescheduling of fireworks, the Cranberry Festival, and other events. Also noted were details of the first Law Enforcement Appreciation Day.

Ray Gottwald of East Harwich commented on the need for a Human Resource Director in Harwich. He referred to a list of other Cape towns that do have a Human Resource Director and he encouraged the Select Board to move forward on this issue.

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Fredrick Monday, President of the Harwich Cranberry Festival noted that the dates for the Cranberry Festival, which had to be cancelled due to weather, are October 21st and 22nd. He gave more information on what will and will not be included due to the date change. He commented on how much work went into making changes and thanked everyone who was involved with the rescheduling.

Mark Kelleher of West Harwich noted that the reduction of the tariffs that India had, preventing the importation of cranberries will help our cranberry industry and help local cranberry growers. He also noted the passing of Norris Grindell.

Bernadette Waystack, Harwich Cultural Council noted that the grant cycle for FY24 is now open and closes October 17th. The information is on the Cultural Councils's website.

- A. Next Select Board Office Hours will be September 21, 2023, 2:00 to 4:00 p.m. at 204 Sisson Road

Ms. Anderson noted the Office Hours. She also noted the meeting that will be held on September 27th at 2:00 at the Community Center. Bob Wilbur, the Director of Conservation Services for the Commonwealth of Mass. will be discussing the intersection of conservation and affordable housing. She gave the RSVP information.

- B. Town Administrator to present an update of recent weather events.

Mr. Powers noted that the only major damage the Town suffered was that the power to the disposal area was knocked out from the wind.

Mr. Powers also offered his thanks to Lt. Hutton, Mr. Monday and his team for all their hard work rescheduling the Cranberry Festival.

CONSENT AGENDA:

- A. Accept a gift donation for the Harwich Town Band from Jane R. Chase Trust of 1999 in the amount of \$25.00
- B. Approve the Select Board Meeting Minutes for September 5, 2023

Mr. Handler moved to accept the Consent Agenda as presented, seconded by Ms. Kavanagh.

Vote 5:0 in favor. Motion carried.

OLD BUSINESS:

- A. Joint meeting with Select Board and Golf Committee;
 - 1. Golf Committee Charge; Votes may be taken

Martha Duffy, Chair of the Golf Committee, called the meeting of the Golf Committee to order with 7 members present.

Ms. Anderson gave a brief overview, noting that the Select Board has been reviewing Committees and what that review entails. She thanked the members of the Golf Committee for their work and patience through the process. She also thanked the Director of Golf and the Superintendent for the excellence of Cranberry Valley and Jeff Handler for working as the Select Board's Liaison to the Golf Committee. She noted research that Mr. Handler had done that has been helpful in the process.

Mr. Handler noted that, as liaison, he was charged with creating a draft of the Golf Committee's Charge. He gave a summary of what he had done and who he talked to in order to create the draft. He explained that the Select Board will deliberate on the draft and take a vote. He made three small modifications to the document before the Board.

Mr. Howell expressed concern about wording regarding the subject of not discussing finances. He also commented that if the draft is used as a template, he would not be comfortable with the wording for other Charges. He noted the wording saying that the Director of Golf does not have to attend a meeting and an appropriate staff member may attend. He expressed how that would affect other Committees.

Mr. Handler responded and suggested that "charge" and "template" be separated. He also explained that one of his modifications spoke to the issues noted by Mr. Howell and he explained why he chose that wording.

Ms. Kavanagh opted to hold her comments until after the members of the Golf Committee spoke.

Mr. MacAskill noted past problems and confusion about who runs the golf course. He also commented that this draft charge clearly states who runs the golf course and the specific role of the Golf Committee.

Board members continued the conversation about the wording in the draft, making suggestions and voicing opinions.

Martha Duffy expressed concerns about how the Charge was developed, noting what she expected the process to be based on conversation at a previous meeting. She continued her comments about the Charge and voiced her opinions about what specifically she disagreed with or had concerns about. Ms. Duffy also had questions regarding whether or not certain changes would have to be voted on at Town Meeting, such as the change of numbers of the Committee. She also questioned how effective the Committee will be if the Director of Golf is not obligated to attend their meetings. Ms. Duffy noted each item in the Charge that the Committee disagreed with or felt was not in agreement with their purpose and role as an Advisory Board. In conclusion, she asked that the Liaison collaborate in a work session with the Golf Committee to rewrite a Charge that gives them the ability to do their jobs. She asked the Select Board members to review the minutes of the last nine years and listen to the audios. She commented that they will never hear one negative remark that was ever made to the Director of Golf or the Superintendent. She requested that they be treated with kindness and respect for their experience.

Paul White, Golf Committee member thanked the Select Board for the opportunity to participate and spoke to the issue of the Committee being comprised of 4 non-pass holders and 3 pass holders stating that he feels it is unnecessary and asked the Board for its consideration. He also expressed his opinion and made suggestions on the conduct references in the Charge.

Steve Bilotta, Golf Committee member commented that he believes that they are meant to be the conduit to the public. He spoke of the Satisfaction Survey noting that the vast majority were Harwich residents and that the responses were positive. The two lowest scores were the sand traps and availability of tee times. He explained how certain items in the Charge would affect their ability to deal with those subjects. Mr. Bilotta explained why, not being allowed to see the comments on that survey, keeps them from acting on hot topics and making a better golf course.

Michelle Ryan, Golf Committee member commented on the process that was noted at the August meeting, and that it was not followed. She noted the work they had done as a Committee and that it was not acknowledged. She continued and commented on the process and the Charter which she feels was written to solve a problem that no longer exists. She asked that the Board tell them what to do, not as the Charter states which is what not to do. She feels that the Charge as written is restrictive and will probably lead them to continue to be ineffective. She asked for clarity around the collaborative nature relationship between the Chair of the Golf Committee and the Director of Golf and that information that is pertinent to the maintenance and operation of the golf course will be provided in time, prior to their meetings so they can be prepared.

Carol Fuller, Golf Committee member commented on the Golf Committee member composition and feels that it has not been aimed at a diverse representation of the Town. She asked that the Board consider taking that wording out of the Charter and revisit the Charter and Charge that they wrote as a Committee. She commented that all the members of the Committee want what is best for the golf course and the town.

Mr. MacAskill thanked Ms. Duffy for her passion and thanked all members for the time they have spent on what they wrote. He agreed that they could eliminate the conduct section. He asked questions of the Committee members and had conversations about issues such as the sand traps. He also reviewed some of the problems of the past and noted that there is a sense that committees are trying to get more involved. He commented that there could be a conflict of interest with members of the Golf Committee who are also involved in associations within Cranberry Valley if they are to be working on pass holder information and rates and fees that would directly impact their leagues. He noted why that would be a concern to the Select Board. He went on to explain that direction has to come from the Director of Golf or the Superintendent of Golf, they have to be in charge and they have to tell the Committee what they want and when they want it and that is what he is going to support. He noted that their goal is to let the Superintendent of Golf and the Grounds Superintendent do their jobs. He addressed the issue of the agenda and noted the process for creating the agenda. He stated that he supports the document with the conduct taken out and with Mr. Handler's revisions.

Mr. Handler commented that the Charge is written for whomever sits in the seats of the Committee, the Director of Golf and the Superintendent going forward.

Mr. Howell commented on how he feels this will affect the interview Committee if this wording is used as a policy. He questioned what part of the Charter they are quoting to eliminate several members. The point for him is the composition, he does not see how they can make those changes within the confines of the Select Board's Charter, referring to the section on appointments in general.

Mr. Handler replied that the intention was not to immediately dismiss but to clarify what was brought to him as a conflict of interest. He stressed that this is a draft, it is something for them to deliberate with respect and in real time. He also noted that it is not a requirement of the Board to get any input from anybody.

Mr. Howell commented that it would be a conflict of interest if Committee members were gaining some benefit that was not passed through to others throughout the town.

Ms. Kavanagh suggested that while they are trying to create a template moving forward for other committees, that they add and specifically note that no committee is directing any employees of the town, that they are working independently for the town and they are instructed by Administration. She also commented on the issue of non golfers on the Committee and does not feel they should be the majority. She noted that she does not have an issue with the Committee seeing the comments on the survey as long as there are no privacy of other issues involved.

Mr. Powers referred to the Charter and referenced that the appointed agencies that are recognized under Chapter 7 exist to support the Select Board. He also referenced Chapter 5 noting that employees work through the Town Administrator and the Town Administrator works through the Select Board. He explained that the Charter is the governing document. His understanding of parliamentary procedure is that when a body or agency is created, the appointing authority may install a Charge. He summarized that Committees report to the Select Board and Staff reports to the Administrator.

Ms. Anderson proposed that this is put on hold for another couple of weeks and asked Mr. Handler to take in everything they have heard at this meeting and add the discussed changes so that they can all physically look at it at a future meeting.

Mr. MacAskill noted, for the record that he didn't say they were going to fire all the Committee members tonight, he said "what if". It was a question.

Noreen Donoghue spoke and expressed her concerns and opinion about non golfers serving on the Committee.

Linda Cebula, Chair of the Charter Review Committee, noted that they are reviewing the Charter and looking at various sections of the Charter. She explained the process of reviewing Committees and their Charge, including asking the Committee for input. She also asked for and received a definition of pass holder.

Ms. Anderson stated that they will bring this back for another discussion and that the Golf Committee is still on hold for any meetings as long as they are still under review.

Ms. Duffy adjourned the meeting of the Golf Committee.

- B. Review of Committees; Votes may be taken
 - 1. General issues
 - 2. Discussion on format of Committee overviews

No discussion at this time.

- C. Barbara Bjornson, CliftonLarsonAllen LLP, to present operational analysis audit of disposal area

Mr. Powers introduced Ms. Bjornson and noted that she was asked to review and provide an operational analysis of the disposal area aka transfer station. The audit that was presented was included in the packet

Kathleen Barrette, Finance Director was also present with Ms. Bjornson.

Ms. Bjornson gave a summary of the process that she used to gather data including spending time in the disposal area and in the Financial Department. She gave a general description of the numbers and documents that she provided and then continued in detail with various line items. She made suggestions in the Operational category including separating duties and updating Waste Works. She continued in the category of Accounting, shared observations and made suggestions. Ms. Bjornson noted that a number of commercial accounts are behind and made suggestions on how those numbers and others can be separated out.

Board members asked questions of Ms. Bjornson and she answered as many as possible.

Link Hooper, DPW Director was present and also answered questions from Board members.

Ms. Bjornson continued with the Financial Results. She gave information and made suggestions regarding the information flow and possibly increasing fees to offset increases in expenses. The last section was in regard to further analysis that would provide insights with other issues and she gave examples. She continued with suggestions of other procedures that could be looked into including cash received vs tickets printed and the set of rights for different users of Waste Works. Ms. Bjornson completed her presentation.

Board members asked questions and asked for clarity on various issues and numbers.

Ms. Anderson commented that it would be helpful to have the data broken down into categories so they can have future discussions on the issues. She asked if it was possible to get those reports and Mr. Cooper replied that the reports will be provided within a couple of weeks.

Ms. Barrette expressed her thanks to Ms. Bjornson for her research and reports.

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Board members and Mr. Powers also expressed their thanks to everyone involved in the process of doing the research and collecting data.

NEW BUSINESS:

A. Update from the Chair n the Harwich Affordable Housing Trust meeting

Ms. Anderson noted that Laura Shufelt is working on the RFP for the Marceline property and will be presenting a draft to the Trust on September 25, 2023. Jen Goldson is continuing to work on the Action Plan for the Trust and hopes to have it finalized by October. She asked members of the Board how and if they would like to see the Action Plan presented.

Mr. MacAskill replied that he would like to see it at a public meeting.

Ms. Anderson will take that back to the Trust to work on.

B. Vote to waive the Town's Right of First Refusal for the sale of 48 Blue Heron Landing and authorize the Chair to sign

Mr. MacAskill moved to waive the Town's Right to First Refusal as presented, seconded by Mr. Howell.

Vote 4:0 in favor (Ms. Kavanagh was not present to vote) Motion carried.

C. Vote to appoint a Select Board Member to the Cape Cod Metropolitan Planning Organization

Ms. Anderson explained the nomination process.

Mr. Powers clarified that the SB member would be working individually and not coming to the Board for direction.

After discussion the Board members agreed to discuss this at a future meeting.

D. Vote to appoint a Select Board Member to Harwich-Chatham Inter-municipal Agreement Board

Mr. MacAskill nominated Mr. Handler, seconded by Ms. Kavanagh.

Mr. Handler accepted the nomination.

Mr. Powers explained what the Inter-municipal agreement is and what Departments are effected.

Vote 5:0 in favor. Motion carried.

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E. Discussion on items related to 2024 Annual Town Meeting

Mr. Powers addressed items E, F1 and F2 together.

F. Five Year Financial Assessment and look ahead;

1. Town Administrator to present the five-year financial outlook per Chapter 9 (s) 2.1 of the Town of Harwich Charter
2. Budget Transfers

Mr. Powers stated that the Town Meeting process hereby begins. The Capital Outlay Committee has been assembled, will be meeting on September 22nd and noted what they will be discussing. His intent at tonight's SB meeting is to identify some of the various items that may come back in the warrant. He noted what he has already done in the process and what will be done going forward.

CONTRACTS:

- A. Approve a contract with SOLitude Lake Management for the Alum Treatment of Skinequit Pond in the amount of \$89,028.00

Mr. Handler moved to approve the contract with SOLitude as presented that will be signed by the Select Board, seconded by Ms. Kavanagh.

Vote 5:0 in favor. Motion carried

- B. Approve a contract amendment for Atlantic Construction and management, Inc. for Owner's Project Management services at Brooks Academy Museum in the amount of \$36,826.40

Mr. Handler moved to approve the contract amendment as presented, seconded by Mr. MacAskill.

Vote 5:0 in favor. Motion carried.

- C. Approve a purchase and sale agreement with Eastward Companies Business Trust for the disposition of land at 276 Queen Anne Road in the amount of \$1,505,001.00

Mr. Handler moved to approve a purchase and sale agreement as presented, seconded by Mr. Howell.

Mr. Powers congratulated the members of the Board for taking this action.

Vote 5:0 in favor. Motion carried.

TOWN ADMINISTRATOR'S REPORT:

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Mr. Powers announced the appointment of Lauren Swift, her position and scheduled start date.

He also noted that today is his mother's 89th birthday. Happy birthday Mom.

SELECT BOARD MEMBER REPORT:

Ms. Kavanagh thanked all the town employees who worked and helped through the storm.

Mr. MacAskill commented that the 9-11 ceremony at the Police and Fire Stations was great.

CORRESPONDENCE:

Cindy Williams, Executive Director of the Chamber of Commerce noted details of Mr. Gunderson's funeral .

ADJOURNMENT:

Mr. Howell moved to adjourn, seconded by Mr. Handler.

Vote 5:0 in favor. Motion carried. Meeting adjourned.

Respectfully submitted,

Judi Moldstad