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**MINUTES
SELECT BOARD MEETING
DONN B. GRIFFIN ROOM, TOWN HALL
732 MAIN STREET, HARWICH, MA
REGULAR MEETING - 6:00PM
MONDAY, OCTOBER 2, 2023**

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

ALSO PARTICIPATING: Joseph Powers, Town Administrator

CALL TO ORDER: Ms. Anderson called the meeting of the Harwich Select Board to order on Monday, October 2, 2023 at 6:00PM.

PLEDGE OF ALLEGIANCE:

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

CONSENT AGENDA:

(TAKEN OUT OF ORDER)

- F. Appoint John Sullivan as a Special Police Officer to the Harwich Police Department effective October 18, 2023, as recommended by the Chief of Police
- G. Appoint Sergeant Aaron Goshgarian to Lieutenant of the Harwich Police Department, effective October 18, 2023 as recommended by the Chief of Police
- H. Appoint Patrol Officer Tyler Vermette to Sergeant of the Harwich Police Department effective October 18, 2023 as recommended by the Chief of Police

Chief Guillemette requested the appointment of John Sullivan as Special Police Officer. He is presently a Lieutenant and is retiring in Mid October. He gave a summary of Lt. Sullivan's career. He also expressed gratitude for his years of service and congratulations on his retirement.

Chief Guillemette announced the recommendation of the promotion of Aaron Goshgarian to Lieutenant and gave a summary of Sergeant Goshgarian's career up to this point.

Chief Guillemette announced the recommendation of the promotion of Officer Tyler Vermette to the rank of Sergeant and gave a summary of Officer Vermette's career up to this point.

Chief Guillemette announced that Wednesday, October 4th is National Coffee with a Cop Day and Officers will be at Cumberland Farms from 9:00 to 10:00 and invited anyone who is interested to stop by.

Mr. Handler moved to approve F. , G. , and H. , of the Consent Agenda as presented, seconded by Don Howell.

Vote: 4:0 in favor. Motion carried.

Board members and the audience expressed their congratulation to all the officers.

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PUBLIC COMMENTS/ANNOUNCEMENTS:

A. Next Office Hours With Jeff Handler and Mary Anderson - October 25th, 5:00 p.m. to 7:00 p.m., at 204 Sisson Road

Carolyn Carey, Community Center Director, announced the October events at the Community Center. All events, dates and details are on the website.

Lou Urbano of West Harwich commented on the Budget, specifically Free Cash. He asked that the Board look at Free Cash in terms of usage, and also to explain where Free Cash originates from and how it comes about. He asked the Board to consider where Free Cash could be spent on a predetermined basis so as not to cause a Budget issue. He feels the community would benefit from that information. He also offered his thanks to the members of the Select Board for their service to the Town.

Jamie Goodwin, Station Manager, gave an update. The new name for the station is The Harwich Channel. The name was picked by people who responded to the pole. She also noted the plan to make changes in the Griffin Room including new furniture and having more space for citizens. The Station is still available on You Tube through the same links and instructions on other ways to access the station are on the website.

Lauren Vivanti, Harwich resident, expressed a concern about what she feels is the Recreation Department's lack of children's' programming. She noted programs that other elementary schools offer and she described them in detail. She also noted things she has done and suggestions she has made including collaborating with other towns that have programs. She offered her time to help.

Mr. Handler noted that there is a formal request from Ms. Vivanti, to the Town to look into this situation.

Bianca Caswell, Harwich resident, expressed her concerns about the shortage of staff at the Community Center and noted a specific situation.

Brian Wentworth, Harwich resident, offered suggestions on how to get more volunteers and people involved and also offered to help.

Jay Schronic, Harwich resident, spoke about electronic voting systems for Town Meeting. He suggested an Audience Response System for the next meeting and explained how it would help at Town Meeting. He offered information to Board members about a system that other Towns are using.

Mr. MacAskill asked for a show of hands of people who were present regarding the Recreation Department issue.

Abigail MacGillan also expressed concerns about the lack of programming for children and safe activities.

Patrick Otton, of East Harwich, spoke about the benefits to using clickers at Town Meeting. He will send data to the Select Board for their information.

John Chorey of Harwich, referred to a request that he had made regarding clickers and asked for an update on that request. He also suggested sharing clickers with Chatham.

Ms. Anderson responded that they are looking at the suggestion of clickers.

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Seth Demontigne also expressed his concerns about the Recreation Department and the programs.

Nancy Peterson expressed her concerns about the cost and the lack of programs for children.

Kristen Wentworth expressed her concerns, specifically mentioning the lack of fields. She stressed that they are all willing to help in any way.

Mr. MacAskill commented and explained that they re not responding to the comments because it is a Public Comment/Announcement item on the Agenda. He assured all those who voiced their concerns that there will be follow up.

CONSENT AGENDA:

- A. Approve Select Board Meeting Minutes:
 - 1. September 11, 2023
 - 2. September 18, 2023
 - 3. September 25, 2023
- B. Approve the resignation of Mary Maslowski as a Planning Board Representative to the Community Preservation Committee
- C. Approve the resignation of Mary Maslowski from the Harwich Housing Committee
- D. Approve the resignation of John Connolly from the Golf Committee
- E. Appoint Mary Maslowski as Select Board Representative to the Community Preservation Committee term to expire June 30, 2024
- I. Accept a donation to the Wetlands Revolving Account from EdOdyssey in the amount of \$300.00

Mr. Handler moved to accept the minutes of the September 11, 2023, September 18, 2023, September 25, 2023 with one modification. On the September 18th meeting, under Public Comments/ Announcements, The name is corrected to Ray Gottwald as noted by Mr. Howell. Mr. Handler moved to approve items B., C., D., E., and I. as presented. Seconded by Mr. MacAskill.

Mr. Howell expressed thanks to Mr. Connolly.

Vote 4:0 in favor Motion carried.

OLD BUSINESS:

- A. Review of Golf Committee Charge

Ms. Anderson made opening statements regarding making decisions that are in the best interest of the town and that reviewing all Committees is part of a process, the Golf Committee is not being singled out. It is an advisory committee and that is the category they are reviewing at this time. She credited Mr. Handler for his exceptional work and professionalism. She explained the process going forward at this meeting.

Mr. Handler explained that challenges of writing a new charge and possible template for moving forward. He also summarized the process and changes that have been made to the draft. He commented on Martha Duffy, Chair of the Golf Committee and the result of their meeting which included Mr. Powers. Mr. Handler noted one modification in the wording in the Chair's email.

Mr. Howell noted that he had requested that the Golf's Committee's voted-on draft charge be included in the packet, not to deliberate but as a public document. He expressed concerns of where it varies and is

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inconsistent with the Charter. He read the wording of his specific concerns and explained his concerns in detail. He stressed that the Charter language itself must be changed, it cannot be changed by codifying it in the Charge.

Ms. Anderson responded to Mr. Howell's concerns, noting the discrepancy in the Charter. Legal Counsel has advised them that they can have that wording in the Charge and that is why it is included.

Mr. MacAskill asked for Mr. Powers' opinion on Mr. Howell's comments.

Mr. Powers noted that there is not a Charter Compliance Committee to rely on. He agreed that there is a fracture between what committees want to do and what they think they can do. He understands that the Board's focus was to create a template for all the Committees as it is universally understood that there are disconnects in the Charter language.

Mr. MacAskill asked if it is accurate, that the Charge put forth tonight, reflects Town Counsel's opinion that they are legally okay with the wording.

Mr. Power's had not spoken directly to counsel but he understand that it comports.

Ms. Anderson noted that they were advised that this Charge does not conflict with the Charter and it is within the authority of the Select Board.

Mr. MacAskill commended Mr. Handler's outstanding work on the Charter. He also noted that everyone including Mr. Howell had an opportunity have a meeting and/or to send comments and express thoughts to Mr. Handler. He also commented on clips on Harwich Old Timers (a social media site) and on people who have called him to get the true facts. Mr. MacAskill stated that he supports the Charge. He described specific situations and conversations. He noted that the Golf Committee Charge belongs to the Select Board and input from others including social media, should not be what Harwich wants for their town government. He directed everyone to the August 23, 2022 meeting and asked if that is how they want their Town employees to be treated. This is an effort to save the Golf Committee, he would prefer to dissolve the Golf Committee and start from scratch.

Mr. Howell noted all previous Select Board Members who were aware of the Golf Committee problems a year ago.

Mr. Handler noted that he would like to see the Golf Committee salvaged, and see all Committees be of value to the Town of Harwich. He explained what he tried to accomplish with the Charter and went through each section and how/why he decided on the wording so the committee members knew what they were supposed to do and not supposed to do. He feels that the Charge should be giving them direction and allowing them to be efficient. Mr. Handler stated that unless there is a clear, concise sentence of a change, he would move to accept this Charge.

Mr. Howell asked a question about the wording and Mr. Handler responded in detail. Discussion followed regarding wording in the Committee Handbook.

Mr. Howell suggested an amendment.

The Board had a discussion about the language and the Committee's options for agenda items.

Mr. Powers referred to the Handbook which he had in hand, specifically page 4 which has the requirements of Committee Members.

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Mr. Handler read language from the Handbook which was the reason that Counsel advised him to incorporate the language into the Draft Charge. Mr. Handler also suggested that this Charge could be adapted for any other Committee.

Mr. Howell reiterated that it still talks about “The Committee” They can’t have a Committee opinion to approach anyone without first having an Open Meeting. And the only way to have an Open Meeting is to post it publicly.

Mr. Handler asked Mr. Powers for advice on changing the wording if the Charges are the purview of the Select Board. He asked if the Select Board has the right to modify a Committee’s Handbook language and make a vote.

Mr. Powers replied that the Committee Handbook was created by past Boards of Selectmen.

There was Board discussion about changes in the wording.

Mr. Handler moved to accept the Golf Committee’s Charge as presented with these modifications: Omission of Chair in Chair email and language change from “if a member of the Golf Committee has any concerns” to “if a member of the Golf Committee has any concern regarding”, seconded by Mr. MacAskill.

Mr. Howell expressed his concern about advisory committees waiting for instruction from the Select Board. He suggested a mechanism to eliminate that issue and suggested wording.

Mr. Handler responded and noted that Counsel made it clear that the direction should come from the Select Board.

More discussion followed regarding the options for agenda building.

Vote 3:1 with Mr. Howell voting Nay.

Motion carried.

Ms. Anderson asked the members of the Golf Committee in the audience to look at the Charge and consider if they have the ability to operate within that Charge.

- B. Discussion on May 6, 2024 Annual Town Meeting
 - 1. Current Five Year Fiscal Assessment
 - 2. Five Year Financial Outlook
 - 3. Select Board Budget Message

Mr. Powers noted required actions to be taken prior to Town Meeting which are noted as 1, 2, and 3 above. He referred to documents in the packet regarding 1, 2, and 3. He explained each document in detail. Also noted was his memo of recommendations to assist the Select Board in their efforts for building a Budget Message. He explained the reasons for his recommendations which include taking a moderate approach of working within the levy limit.

Ms. Anderson briefly summarized major expenses the Town has had over the past couple of years and expressed that she feels it is time to keep spending as low as possible, at or below the 2 and 1/2%.

Mr. Howell commented that he would encourage a conservative approach.

Mr. MacAskill agreed and also noted an issue with projects and suggested the Board take a conservative approach with those also. He would like to include something in the Budget Message about Capital items.

Mr. Powers noted that the Charter requires the Select Board to establish the General Policy Statement on or before the first Tuesday. He asked if they were willing and able to vote on a Policy Statement that he can start distributing.

The Board discussed creating the General Policy Statement at this meeting and agreed that a draft can be presented at the next meeting for modification.

Mr. Howell suggested that there is consensus of the Board to work with Mr. MacAskill as he has done this in the past and in a conservative way. All members agreed.

John Chorey asked a question about a document that was not in the packet and also agreed with and commented on the 1-2 and 1/2 goal, a conservative look at projects and also asked for an update on uncollected property taxes at a future meeting.

Mr. MacAskill offered an update and also noted what can be expected moving forward.

C. Town Administrator to present project updates

Mr. Powers referred to a document in the packet provided by Meggan Eldredge, Assistant Town Administrator, with the numbers of projects and the plan. He offered details on specific items.

Mr. MacAskill questioned why a specific procurement is on the list regarding dredging, which they do every year and not under the Harbormaster Rendon's name.

Mr. Rendon, Harbormaster responded with a detailed answer of how and why those funds were added to the procurement list. He also noted two projects on the list which have been completed. He noted funds from those projects that had not been used and commented that he hopes to use those funds towards an emergency generator.

Mr. MacAskill expressed an interest in completing projects and knowing what is left and what is needed and what can be reappropriated. He also questioned why some Department Heads are not doing their procurements and asked that Mr. Powers review the list and provide an updated list to the Board.

Mr. Powers responded that they are all able to do procurements although some are formally trained. He also noted the procedure to reappropriate funds.

Mr. Handler asked about older project requests which may now cost more and the procedure to update those numbers.

Mr. Powers responded with a detailed answer and gave an example.

D. Discussion and vote on Select Board meeting schedule

Ms. Anderson referred to the proposed set of dates which is included in the packet. She explained why she requested a schedule with two regular meetings and a working session.

A Board discussion followed regarding the schedule.

Mr. MacAskill expressed concerns about completing the amount of work ahead of them. He does not support the schedule as proposed.

Mr. Handler commented that he would prefer to meet weekly.

Mr. Howell suggested an alternative way to utilize the working session as a single item session.

Ms. Anderson noted that the request for every other week was from staff to enable them to get more work done. She noted that the consensus is to meet weekly with the option to cancel a meeting if the agenda is light. She also agreed that a single topic meeting would be helpful to the Board and would give staff much needed time to accomplish their work.

Discussion continued regarding the next meeting and when the Budget Message will be completed.

The Board agreed to meet on October 16th and then continue with a weekly schedule.

Taken out of order under CONTRACTS:

- A. Vote to approve a construction contract agreement with T.W. Nickerson, Inc. for Wixon Landing improvements in the amount of \$95,500

Mr. MacAskill moved to approve a construction contract agreement with T.W. Nickerson Inc. as presented, seconded by Mr. Howell.

Mark Kelleher made a request of the Harbormaster to ask the contractor to use the smallest size riprap for safety reasons.

Mr. Rendon agreed to ask the engineer about the smaller riprap.

Vote 3:0:1 with Mr. Handler recused. Motion carried.

NEW BUSINESS:

- A. Approve a fee waiver request from WOMR for six signs for the "Rockin' Picnic in the Park" event in the amount of \$600.00

Shelia House, Board President and John Braydon, Executive Director of WOMR participated remotely.

Board members discussed the waiver, both for and against.

Mr. Handler moved to approve a \$500.00 reduction in the sign fees for 6 signs in the amount of \$100.00, seconded by Mr. Howell.

Board discussion followed verifying that it is one application but each sign is \$100.00. Also noted was a previous request for a waiver that had been denied. Board members asked Ms. House questions regarding distance between signs and the length of time they are up which she answered.

Vote 3:1 with Mr. MacAskill voting Nay. Motion carried.

Ms. Anderson suggested that the Board consider, for a future discussion, a reduced rate for non-profits.

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B. Approve a Hawkers & Peddlers license for Pilgrim Lodge AF & AM - 706 Main Street

Mr. MacAskill moved to approve a Hawkers & Peddlers license as presented, seconded by Mr. Howell.

Vote 4:0 in favor Motion carried.

C. Approve a fee waiver request from Pilgrim Lodge AF & AM for the application fee for a Hawkers & Peddlers license in the amount of \$60

Mr. Handler moved to approve the fee waiver request as presented, seconded by Mr. Howell.

Mr. MacAskill commented that this and other requests that have been denied in the past. and noted that these applications do cost the Town money.

Vote 1:3 against with Mr. Howell voting for and Mr. MacAskill, Mr. Handler and Ms. Anderson voting against. Motion denied.

CONTRACTS:

B. Vote to approve a contract with Paul S. Kapinos & Associates, Inc. for Tax Title research in the amount of \$93,600

Mr. Handler moved to approve a contract with Paul S Kapinos as presented, seconded by Mr. Howell.

Mr. MacAskill questioned where the work material is stored and when they will get it. He also asked if she (Gail) is working on or off site.

Mr. Powers replied that the information is not in the documents from Paul Kapinos.

Mr. MacAskill asked that this be a topic of conversation noting that he believes the Town's property should be on the Town's site. It is important that they have all the information that is created. He also had questions regarding Scope of Services and other professionals services.

Mr. Powers noted that if this is approved, the next step will be a meeting when all those questions will be asked and answered.

Mr. MacAskill asked, regarding Gail, an employee of PK, who is she reporting to, when is she reporting to them and when the Board get updates.

Mr Powers replied that those are internal matters but he can request a scheduling of updates for the Board.

Mr. MacAskill requested an update before the Board on at least a quarterly basis.

Vote 4:0 in favor. Motion carried.

C. Vote to approve the license agreement extension with Bob Miller for golf instruction services in the amount of \$11,865.66

Mr. Handler moved to approve the license agreement as presented, and upon the recommendation of the Golf Director, seconded by Mr. MacAskill.

Vote 4:0 in favor. Motion carried.

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TOWN ADMINISTRATOR'S REPORT:

Mr. Powers reported on job hirings. He also noted that the report to the Commonwealth on the MS4 Program is in order.

SELECT BOARD'S MEMBERS REPORT:

Mr. Howell, no report.

Mr. Handler, no report.

Mr. MacAskill requested a legal opinion, by the next meeting, on whether or not it is true that the Rec and Youth Committee do not have to go before the Select Board for fee waivers or to update their fees. He gave his reasons for that request. He also requested an agenda item related to 204 Sisson Road and an agenda item for the land of little value.

CORRESPONDENCE:

No correspondence.

ADJOURNMENT

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

Vote 4:0 in favor. Motion carried Meeting adjourned.

Respectfully submitted,

Judi Moldstad
Board Secretary

