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

MEMBERS PARTICIPATING: Julie Kavanagh, Jeff Handler, Michael MacAskill and Don Howell

ALSO PARTICIPATING: Joseph Powers, Town Administrator

I. CALL TO ORDER

Ms. Kavanagh called the meeting of the Harwich Select Board back to order on Monday, November 6, 2023 at 6:00PM.

II. EXECUTIVE SESSION

- A. 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 negotiations with non-union personnel: Town Administrator
- B. Pursuant to MGL c. 30A section 21 (a)(3) to discuss with respect to collective bargaining for all town unions and the Chair has determined that open session would have a detrimental effect on the town's bargaining position
- C. Executive Session pursuant to G.L. c. 30A, s21(a)(7) to comply with, or act under the authority of, any general or special labor federal grant-in-aid requirements ("Purpose 7") - the Open Meeting Law, G.L. c. 30A, ss 22(f), (g)—To review, approve and/or discuss the possible release of executive session meeting minutes dated February 21, 2023, March 6, 2023, March 13, 2023, March 20, 2023, March 27, 2023, April 3, 2023, April 10, 2023, August 28, 2023

Ms. Kavanagh reported that while in Executive Session, the Select Board voted to approve the minutes, no other action taken. Ms. Kavanagh read the Open Meeting Law.

III. PLEDGE OF ALLEGIANCE

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

Ms. Kavanagh noted that the joint meeting with the Traffic Safety Committee is on this evening's agenda. No public comment will be taken during that meeting.

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IV. PUBLIC COMMENTS/ANNOUNCEMENTS

A. Next Select Board Meeting will be Monday, November 13, 2023

Mr. Powers gave an update on the signs that were placed at the Community Center. He noted that they were placed there after the grounds were treated with a herbicide. There are no Town prohibitions to herbicides.

Ms. Kavanagh noted that the next Select Board meeting will be held on Monday, November 13, 2023.

Emily Mitchell, Town Clerk, spoke to the issue of a Special Town Election to fill the Select Board vacancy. She noted the option of calling a Special Town Election by petition and distributed information to Board members regarding that process and the timeline for that process. She explained the process in detail. She also explained what the effect of the Presidential Primary Election, scheduled for March 5, 2024, has on the Clerk's Office. The timeline for a Special Town Election will overlap that multi-week process. She recommended that, if a petition is filed and certified, that the Special Election be held until after the Primaries.

Board members asked questions and expressed concerns regarding a Special Town Election, the possibility of not having a candidate for that election and the position that will potentially be expiring in May of 2024. Also discussed was the issue of a write-in ballot election and the minimum write in totals.

Ms. Mitchell answered the questions and addressed concerns.

Leo Cakounes of North Harwich spoke, noting that he was not expecting deliberation, comment or discussion on the matter he will be commenting on. He noted a request he had made, that the Board hold a meeting to review the Town's policy on renting public property. He gave a brief description and brief history of the past practice of renting public property and the policy restricting the renting of property to non-profits. He noted a recent situation regarding a rental to a single entrepreneur and he requested that the Select Board include this subject on an agenda for further discussion.

Ms. Kavanagh responded that the subject will be on an agenda in the future.

Mr. MacAskill commented, not in response to Mr. Cakounes, that the request for this agenda item was made prior to this meeting and he asked that it be on an agenda soon.

Ashley Simmington, Director of Youth and Family Services, noted a family workshop series and gave the details on the schedule and what the workshops will encompass.

Ms. Kavanagh noted that Saturday, November 11, 2023, there will be a ceremony in observance of Veterans Day and she gave the details.

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Mr. Powers noted that in observance of Veterans Day, all municipal buildings will be closed to the public on Friday, November 10, 2023.

Theresa Johnson of North Harwich asked when the public will be able to speak to the Pine Oaks Village issue.

Ms. Kavanagh responded with an answer and explanation.

Mr. MacAskill suggested that the process be explained as there were many people in attendance for that issue.

Mr. Powers explained that Chloe's Path, which had been referred to previously, was a friendly 40B - a local innovative process. He gave a description of the process and outcome of that Application. He continued that Pine Oaks Village Housing Association is seeking their Phase IV to be funded through the Mass Housing Partnership and other groups. He explained what that process is including how and when the Town becomes involved and what their responsibilities are regarding the Town's response. Mr. Powers explained that if it progresses to a 40B, (not a friendly 40B) what the options are for the Zoning Board of Appeals and how the public may be included at that point.

Mr. MacAskill suggested that the public be aware of what will be happening at the Committee level.

V. SELECT BOARD REORGANIZE

Ms. Kavanagh noted that with the resignation of Select Board member Mary Anderson, the Select Board should reorganize.

Mr. MacAskill nominated Julie Kavanagh as Chair, seconded by Mr. Howell

Vote 4:0 in favor. Motion carried.

Ms. Kavanagh nominated Michael MacAskill as Vice Chair, seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill moved that Jeff Handler remain as Clerk, seconded by Ms. Kavanagh.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill offered to stay on the Interview Committee while there is a vacant seat.

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Ms. Kavanagh noted that Mr. MacAskill and Mr. Howell will remain on the Interview Committee.

VI. JOINT MEETING WITH SELECT BOARD AND TRAFFIC SAFETY COMMITTEE

- A. Update on Cross Street improvements
- B. Update on the traffic study for Pine Oaks Village Housing Phase IV

Linda Cebula, Chair of the Traffic Safety Committee, called the meeting of the Traffic Safety Committee to order at 6:30PM. Three of the four members are present. She noted that the Traffic Safety Committee heard a presentation on the traffic study on October 31, 2023 for Pine Oaks IV. The Committee took no position and no decisions were made. They may be on the agenda for a future meeting, nothing is scheduled at this time. She noted that the information is on the Pine Oaks website.

Ms. Kavanagh suggested that it also be included with the Traffic Safety Committee's information on the website.

Mr. MacAskill expressed his concerns and asked when, as a town, the residents can weigh in on whether or not this will be a detriment.

Mr. Powers replied that if Pine Oaks Village is to apply for a Comprehensive Permit, it must go before the Zoning Board. The Zoning Board will be required to hold public hearings on that matter. Mr. Powers is not aware of an application for the financing at this time. There may be another opportunity for the public through that process.

Ms. Cebula commented that many people had attended the meeting that included the presentation. Many questions were asked and answered at that time.

Referring to Cross Street, Ms. Cebula noted that in July 2023, the Traffic Safety Committee had been before the Select Board with proposals to clean up parking and other issues there. She noted that the changes that they made seem to have cleaned up a lot of the issues. The feedback from the residents has been positive and they thanked the Police Officers for their assistance. She also noted ongoing current issues which she described in detail.

Board members thanked Ms. Cebula and the Committee for their work.

Ms. Cebula closed the meeting of the Traffic Safety Committee at 6:38PM.

VII. CONSENT AGENDA

- A. Approve Select Board Meeting Minutes for October 23, 2023 and October 30, 2023
- B. Accept the resignation of Brian Power from the Community Center Facilities Committee

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- C. Accept the resignation of Donald A. MacAskill from the Harwich Accessibility Rights Committee
- D. Accept the resignation of Jerry Scannell from the Traffic Safety Committee
- E. Accept the resignation of Michael Hurley from Recreation & Youth Commission
- F. Rescind the re-appointment of Dean Knight as Shellfish Constable
- G. Vote to modify the terms of the Paul Doane gift previously received on September 19, 2022
- H. Approve the appointment of Christina Joyce to Community Center Facilities Committee, as recommended by the Select Board Interview Committee, term to expire 06/30/2026
- I. Approve the appointment of Heath Eldredge to Community Center Facilities Committee, as recommended by the Select Board Interview Committee, term to expire 06/30/2024
- J. Approve the appointment of Brian Wentworth to Recreation & Youth Commission, as recommended by the Select Board Interview Committee, term to expire 06/30/2024
- K. Approve the appointment of Mary Jones to Local Planning Committee, as recommended by the Select Board Interview Committee

Mr. Handler moved to approve the Consent Agenda items A-K as presented, seconded by Mr. Howell.

Mr. Howell noted that all positions are full positions and not alternates.

Vote 4:0 in favor. Motion carried.

VIII. NEW BUSINESS

A. Update on Recreation & Youth Programming

Ms. Kavanagh gave the update as the liaison to Recreation and Youth. She noted that they will be moving forward with a subcommittee. Eric Beebe, Director of Recreation will also be working with them as well as many parent volunteers. Ms. Kavanagh described the winter programming including some new programs. Also noted were new programs that the Committee is presently working on. She noted that the Committee's next meeting is on November 28, 2023 at 5:30PM at the Community Center.

Mr. MacAskill requested that the pickle ball rates be on an agenda in the near future. He reminded the public that it had been discussed a year ago, it is not a new subject but has not been before the Board since that time. He also requested adding 204 Sisson Road to the agenda in the next week or two, addressing the use, who controls it and a baseball team that had shown an interest in 204 Sisson Road.

Ms. Kavanagh will follow up on the baseball team and she will add 204 Sisson Road to the agenda.

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B. Approve a Special Permit for a one day wines and malt and entertainment permit for Bernadette Waystack - Friday, December 8, 2023, 4:00 p.m., to 7:00 p.m., Private event held at Library Meeting Room at 204 Sisson Road - Recorded/live music, amplification.

Mr. MacAskill moved to approve a Special Permit as presented, seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

C. Review and take action on G.L. c. 268A Section 19 Disclosure of Non-Elected Municipal Employee of Financial Interest - Robert Doane, Community Preservation Committee

Mr. MacAskill spoke positively of Mr. Doane but noted that he disagrees with the form and he explained why he disagrees. He also expressed concerns about setting a precedence.

Ms. Kavanagh will continue this item to a future meeting.

D. Discussion and vote to adjust private snow plow rates as recommended by the Director of Public Works

Mr. MacAskill moved to adjust the private snow plow rates as recommended by the Director of Public Works, seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill thanked Lincoln Hooper, Director of Public Works for his work on the snow plow rates.

E. Vote to send a letter of support to Massachusetts Office of Business Development for Cape Cod Economic Development Council

Mr. MacAskill moved to send a letter of support as presented, seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

F. Discussion on process and response to resignations

Ms. Kavanagh commented that the Select Board had previously discussed what they are legally required to do or not do.

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Mr. Powers commented that this is a follow up to a question raised at the last meeting. The packet includes information on “the act of resigning from a public office at the local level”. He read some of that information as it pertains to a town officer. That information answers what is supposed to happen and the issue of response is a Select Board discussion.

Ms. Kavanagh commented that she is satisfied with the current policy, as long as people are resigning in writing and getting a letter thanking them for their service.

Mr. Howell would be more confident if the resignations are on the agenda for the Select Board to accept them and he gave his reason.

Mr. Handler agreed with Mr. Howell’s statement.

Mr. MacAskill agreed to keep the resignations on the agenda.

Ms. Kavanagh confirmed that they will continue to have resignations on the agenda.

IX. OLD BUSINESS

A. Approve the Fiscal Year 2025 Budget Message

Ms. Kavanagh noted that the Budget Message is included in the packet.

Mr. Handler suggested an amendment, first paragraph, last sentence, “I” amended to “we” (the Select Board)

Mr. MacAskill moved to approve the Fiscal Year 2025 Budget Message as presented and as amended, seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

B. Discussion and vote to adjust Fiscal Year 2023 Disposal Area fees for various commercial disposal, effective January 2024, as recommended by the Director of Public Works

Mr. Powers noted a scrivener’s error and corrected the year to Fiscal Year 2024.

Mr. MacAskill moved to approve to adjust Fiscal Year 2024 Disposal Area fees as presented, seconded by Mr. Howell.

Mr. MacAskill commented on a previous conversation about this subject and asked that Mr. Hooper keep track of how much the tonnage goes down and the impact.

Mr. Hooper responded that this is already being tracked.

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Mr. Handler referred to a previous meeting when Clifton, Larson and Allen Consultants were present. He noted statements that they had made regarding rate increases. He asked Mr. Hooper to confirm that the rate increase is to be proactive for future escalations.

Mr. Hooper responded that the recommendations are covering escalating that they have already experienced and which he explained in detail.

Mr. Powers recognized the work of the Finance Director Kathleen Barrette and others in the disposal area who worked as a team with him analyzing reports.

Mr. Howell commented that he is in favor of this as it is an offset against the whole operation.

Ms. Kavanagh noted that they are providing a service that no other towns have and she is in favor of the increase so they can continue to effectively provide the service.

Vote 4:0 in favor. Motion carried.

C. Discussion on items related to committee charges and template

Ms. Kavanagh noted that Mr. Handler had worked hard on the template and asked if there was further discussion.

Mr. Howell commented that it is commendably short which he appreciates for reasons that he noted.

Mr. Handler commented that it is in a format that is user friendly and any Committee's Charge will look the same in terms of how it is laid out. However, the verbiage will not be the same.

With the Boards' consensus, no vote was necessary.

X. CONTRACTS

A. Vote to approve a contract with CRF Inc. in the amount of \$89,900.00 to replace the moving wall partition at 204 Sisson Road

Mr. MacAskill moved to approve a contract with CRF as presented, seconded by Mr. Howell.

Vote 4:0 in favor.

B. Vote to approve a contract with Morton Salt, Inc. for road salt purchased at \$72.06 per ton with a not-to-exceed amount of \$144,120.00

Mr. Handler moved to approve a contract with Morton Salt as presented, seconded by Mr. MacAskill.

Vote 4:0 in favor.

C. Discussion and possible vote to accept Amendment #3 of the Inter-municipal Agreement for Information Technology services between the County of Barnstable and the Town of Harwich

Mr. Handler moved to accept Amendment #3 as presented, seconded by Mr. MacAskill.

Mr. Powers explained Amendment #3 in detail noting that it extends the agreement between the town and county through June 30, 2025. He also explained Exhibit C4 and how it affects the town. He recommended that the town adopt the Amendment and gave reasons for that recommendation. The extension is requested at this time because the IMA is scheduled to cease in the middle of the calendar year.

Mr. MacAskill asked Mr. Powers to provide the Board with what the town pays and has paid in totality for IT over the last five years and compare it to what is being spent. He also commented on the number of tests that they are asked to take regarding data breaches.

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Mr. Howell commented that he would like to see the data and look at it to create a plan for the future.

Mr. Powers explained the options for the Select Board regarding the IT Plan.

Ms. Kavanagh asked for confirmation that they are accurately covering all three servers.

Mr. Powers confirmed that they are covering the three servers.

This agenda item will be continued until next week's meeting.

TOWN ADMINISTRATOR'S REPORT:

Mr. Powers reported that Joan Seely from the DPW has retired and he wished her a long, happy, healthy retirement. He has appointed Caitlyn Smith to serve as the head Clerk for the Department of Public Works and she will start on November 6, 2023..

SELECT BOARD'S MEMBER REPORT:

Mr. Handler reported that he will be scheduling the next Select Board office hours and will announce that date at the next Select Board meeting.

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CORRESPONDENCE:

None

ADJOURNMENT:

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

Vote 4:0 in favor. Motion carried.

Meeting adjourned.

Respectfully submitted,

Judi Moldstad
Board Secretary