

## OFFICE OF THE SELECTMEN

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### Via USPS and Electronic Mail

March 9, 2022

Mr. Michael Busby  
Relationship Manager  
Massachusetts Housing Finance Agency (MassHousing)  
One Beacon Street, Boston, Massachusetts 02108  
[MBusby@masshousing.com](mailto:MBusby@masshousing.com)

Re: Site Approval Request (MH ID No. 1137)  
Proposed "40B" Comprehensive Permit Development  
"Chloe's Path," Sisson Road, Harwich  
Applicant: Kemah Apartments, LLC

Dear Mr. Busby:

At its meeting on March 7, 2022, the Harwich Board of Selectmen discussed the above-referenced matter. The Board did not affirmatively vote to support the Site Approval request but deferred to the position it previously took on a LIP (Local Initiative Program) site eligibility request presented to the Board for the same development several months ago.

The Board previously discussed the project through the LIP site eligibility request over a series of meetings; and a majority of the Board voted (3-2 vote) against supporting it (see copies of meeting minutes attached). The majority of the Board felt that, in what should have been a more collaborative process between the applicant and Board in crafting a project that addresses both affordable housing and local concerns, the applicant instead presented the Board in the LIP application a fully-formed project without a real expectation that it might have to negotiate aspects or revise<sup>[1]</sup> the project to address concerns identified by the Board or the community. The Board did appreciate the applicant's transparency, candor and respectful approach to the discussions.

In its discussions on both the LIP and current MassHousing request, all members of the Board expressed support for affordable housing generally, and the dire need in the town for more of it.

For the majority of the Board that voted not to support the LIP request, the following points summarize the Board's continuing concerns about the proposed development:

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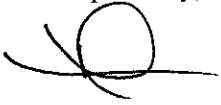
<sup>[1]</sup> During the Board's proceedings on the LIP request, the applicant did express a willingness to restrict eight of the proposed market rates units as "workforce units" for households earning between 80-100% AMI. It appears that the applicant, despite the Board's vote not to support the LIP request, is still willing to provide these restricted workforce units within the proposed development, but that should be confirmed by MassHousing and ultimately reduced to writing by the applicant in the comprehensive permit application.

- The project's size and design are inconsistent and out of scale with development in the town generally, and with the surrounding residential neighborhood;
- The project exceeds the physical limitations and capacity of the development site;
- The project site bounds on an extensive and sensitive wetlands network that extends to Nantucket Sound;
- The project site is located within a nitrogen-impaired watershed. There is no municipal sewer service in place currently or anticipated in the project area in the near-term. The town's wastewater planning that includes the site assumes flows and nitrogen loading for approximately 7 dwelling units, not 96 as proposed;
- With only 25% of the total number of units proposed as affordable, the project will do little to address the affordability crisis in the town or the region. Alternately, if the rents for the market rate units are unaffordable to people in the community, the project could further exacerbate housing affordability in the town and region.
- The Board was skeptical that local people could afford to rent the proposed affordable units at 80% AMI or the market rate units at the rents presented and anticipated by the applicant.
- It was unclear to the Board whether utilities and services for the proposed affordable units were included within the rents. Especially where individual air source heat pumps are proposed for the units, spiraling electricity costs (if not included in affordable rents), could render the affordable units unaffordable;
- There has been no substantive traffic impact analysis, even if preliminary, provided by the applicant. New vehicle trips associated with the proposed 96 units, especially peak hour vehicle trips, is very concerning to the Board in terms of safety and congestion. The nearest major intersection is approximately ½ mi. northeast in Harwich Center; the intersection is unsignalized, of non-standard design, and in substantially the same layout as it has been from the early-mid. 19<sup>th</sup> century. The Sisson Road corridor is a primary connector to Rte.6 (through said intersection), including for ambulances and other emergency service vehicles. There exists today vehicle queuing that backs up from the elementary school's driveway across from the project site onto Sisson Road for morning and afternoon student drop-off and pick-up, which seems to coincide with peak hour commuter traffic; introducing new vehicle trips from 96 dwelling units in the area would seemingly exacerbate congestion and create new potential safety issues in the corridor.
- From the discussion with and request by the applicant it seems like the project site was selected in part because of the availability of public transit. It does not appear that the site is currently on a transit route and there was no information provided from the applicant to the Board by the regional authority, CCRTA, that the project site would be included on and served by a new transit route.
- Finally, the project site is located in mapped priority habitat under the Massachusetts Endangered Species Act (MESA). The site currently has local and state permits and approvals, including under MESA, for a seven lot residential subdivision. There are still outstanding requirements and conditions under the site's existing MESA approval. Further, under the existing MESA approval, it does not appear the proposed development could be sited as planned. The applicant has provided no correspondence from or with the responsible state agency NHESP about the status of the existing MESA approval, or seeking new or amended approval, on account of the project.

Please feel free to reach out to the Board of Selectmen through the Town Administrator's office with any questions or further discussion about this correspondence.

Thank you for the opportunity to comment on this matter of high priority to the town.

Respectfully,

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by a horizontal line.

Michael MacAskill, Chair  
Harwich Board of Selectmen

ENC

cc: Applicant's counsel, Andrew Singer, Esq.



APPROVED

RELEASED

MINUTES  
SELECTMEN'S MEETING  
REMOTE PARTICIPATION ONLY  
MONDAY, JULY 26, 2021  
5:00 P.M. (Executive Session)  
6:00 p.m. (Regular Meeting)

**SELECTMEN PARTICIPATING:** Michael MacAskill, Larry Ballantine, Donald Howell & Mary Anderson

**ALSO PARTICIPATING:** Town Administrator Joseph Powers

**CALL TO ORDER**

Chairman MacAskill called the meeting to order at 5:00 p.m.

**Ms. Anderson moved that the Board of Selectmen enter into Executive Session to discuss the items as listed below, 2<sup>nd</sup> by Mr. Howell. The vote was 4-0-0 with Mr. MacAskill, Mr. Ballantine, Ms. Howell & Ms. Anderson all voting aye by roll call.**

**EXECUTIVE SESSION**

- A. Executive Session pursuant to G.L. c. 30A, sec. 21(a)(2) and (3) to conduct strategy sessions in preparation for negotiations with union personnel and to conduct contract negotiations with union personnel – SEIU
- B. Pursuant to MGL, c. 30A section 21 (a) paragraph 3 to discuss with respect to collective bargaining for all town unions if an open session would have a detrimental effect on the town's bargaining position and the chair so declares; including, but not limited to the International Association of Fire Fighters
- C. Pursuant to MGL c. 30A, §21(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 VS. Town of Harwich Planning Board, and Halls Path
- D. Executive Session pursuant to G.L. c. 30A section 21 (a) (3) to discuss litigation strategy to the case of Ember Pizza, Inc. et al vs. Town of Harwich, et al., Suffolk County Superior Court-Civil, Docket No. 2184CV01461, if discussing the matter in open session will have a detrimental effect on the Town's litigating position and the chair so declares

**WEEKLY BRIEFING**

Harbormaster John Rendon was present and announced that the Town has been awarded a grant in the amount of \$36,000 from the Executive Office of Housing and Economic Development. Grant money will be used towards the dredging of Allen Harbor.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

Mr. Ballantine stated that he was reminded that it has been 2 years since the tornado came through Harwich. He would like everyone to remember what a great community we have with everyone coming together to get back up and running in record time.

## **PUBLIC HEARING AND PRESENTATIONS**

### **A. Public Hearing – Discussion and possible vote to approve the 2021-2031 Comcast Renewal Contract**

Ms. Anderson read the public hearing notice. Mr. Powers informed the Board and the public assembled that Channel 18 Station Manager Jamie Goodwin was affirmed as the point person for this contract and that we have been very well served by her involvement.

Ms. Goodwin was present and noted that this process was started in February 2019 when the retrained specialized council. A meeting was held in May 2019 and a survey was put on the Town's website, which received over 150 responses. Ms. Goodwin believes that this new 10 year contract will serve us well and added that Harwich has been awarded a first ever HD channel.

**No public comment was heard. Mr. Howell moved to close the public hearing, 2<sup>nd</sup> by Mr. Anderson and approved 4-0-0.**

Mr. Ballantine asked for clarification on what video return lines are. Ms. Goodwin responded that the lines are how we send our signal.

Ms. Goodwin thanked Bill August, the Attorney on behalf of the Town of Harwich as well as Michael Gala.

**Mr. Howell moved to accept the 2021-2031 Comcast Renewal Contract as negotiated, 2<sup>nd</sup> by Ms. Anderson and approved 4-0-0.**

### **B. Annual Presentation - Caleb Chase Fund**

Paul Doane, Chairman of the Caleb Chase Board of Trustees was present and summarized the fund, noting that it is doing exceptionally well with funds approaching \$625,000. Mr. Doane visited the Town of Dennis to see how they operate their Caleb Chase Fund and found that they have a substantially different approach. It was noted that back over a year ago, when COVID-19 began to accelerate, the trustees were able to move quickly to expand features of the program by creating a broader category to provide financial assistance. The grant was expanded to awards of \$1000 and applicants can now apply as often as needed instead of every 3 years. These new provisions were put in place to run through July 1. The Board of Trustees met and decided to extend the provisions for another year, subject to their review.

Mr. Doane stated that he has served on the Board of Trustees since the late 80's and feels that it is time that someone else move into the position. He offered to stay at least through his current term.

Ms. Anderson asked if they are able to help anyone that applies. Mr. Doane responded that they are able to help anyone that qualifies financially. Payments are made to the vendor or the provider of the service. The Board of Trustees is finding that some of the payment categories can take 2-3 months to run through the process. The Board of Trustees is working with the Finance Director and the Council on Aging to see if they can make modifications to move things more smoothly.

Mr. Howell feels that you measure a town based on how it treats its less fortunate, adding that he is proud to live in Harwich.

## **CONSENT AGENDA**

### **A. Discussion and possible vote to approve the Caleb Chase request in the amount of \$1,000**



- B. Discussion and possible vote to accept the gift of Ace Watchdog hardware for the Police Department

**Ms. Anderson moved to approve the consent agenda as listed above, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

#### **NEW BUSINESS**

- A. Discussion and possible vote to support the Local Initiative Program (LIP) for Chloe's Path affordable housing development

Attorney Andrew Singer was present. Mr. Powers stated that this is the first of what will be many meetings involving Attorney Singer, his clients and the developers. The meeting tonight is for the Board to discuss, if on behalf of the Town, they will vote to support the LIP. Mr. Powers added that we have heard from several residents regarding the project, adding that the Town's absence at last week's community engagement meeting was to allow the developer and the Attorneys their space to make their own presentation to the community.

Attorney Singer stated that he proposal is for a proposed affordable mixed income housing project on Chloe's Path located off of Sisson Road. The project is to construction 2 apartment buildings for a total of 96 units, with a mix of 1, 2 & 3 bedroom units. These units will provide desperately needed rental units. Attorney Singer added that they will be seeking 40b approval from the Zoning Board of Appeals (ZBA). In a more traditional 40b, the Selectmen take no formal role in the process. With a LIP, the process is different and the Selectmen play a more formal role in the process. If the Selectmen do not vote to support the LIP, the LIP cannot go forward and the applicants will have to go back to the drawing board. Under a LIP, the Selectmen do not issue a comprehensive permit or issue plans not do they review and vote on the design, scope and conditions of the project. The Selectmen however do plan a key role in looking at endorsing the proposal. The Chloe's Path proposal would raise the Town of Harwich's stock of affordable housing to 7.7%. While this project by itself would not solve the housing problem, Attorney Singer and his clients feel that it will go a long way to help the problem.

If the Board does support the concept of the LIP, they would then issue a letter of support to the State and would also sign the application along with the applicant.

Attorney Singer noted that they would not anticipate going before the ZBA or Conservation Commission until the very end of the year due to the long nature of the process.

Some of the biggest concerns raised have been regarding traffic and questions about impacts on Sisson Road and intersections to the North and South. The applicant has engaged with traffic engineers to conduct a traffic review. They have also been focusing efforts on wastewater, stormwater, landscaping, lighting, architectural design, screening, bus stop and crosswalk. As part of the most recent proposal, it was found that part of the land is mapped under the Massachusetts Endangered Species Program and that a deed restriction was put in place for part of the property. This current proposal changed where the buildings would be located on the property. Due to this change, the applicant would need to go back to the State and seek an amendment of the deed restriction.

The applicant is asking that the Board of Selectmen support the LIP, issue an endorsement and sign the application.

Mr. Powers suggested that the Selectmen have put this on a future meeting agenda, noting that tonight was for the purpose of Attorney Singer and his team to make a presentation and start to collect comments.

Ms. Anderson applauded the applicant for coming forward with an affordable housing proposal. She stated her concern that the prices, even for the affordable units, seem very high to her. She asked if there would be an onsite manager for the property. Attorney Singer responded that the affordable unit prices are pegged to the prices and guidelines that come from the Department of Housing and Urban Development for the region that the units are in. Whatever the prices are when the housing units go online it what will be charged. There will be a lottery process for the tenants with a local preference for the first run. There will be 2 full time staff on site from 9-5 on weekdays as well as 24/7 maintenance available.

Mr. Ballantine asked for clarification on how the 40b process works. Attorney Singer responded that the Selectmen's support of the LIP application is saying that they support affordable housing on this property. The ZBA will look at the application and condition the project, if approved.

Mr. Ballantine asked who would do the economic study. Attorney Singer responded that under 40b, it would be the state.

Mr. Ballantine noted that the Police Departments response is that they aren't concern about the residents, but that they are concerned that the residents would be concerned about noises coming from the Public Safety Building. Attorney Singer responded that this topic came up at the Department Head meeting and the response was that it would not be an issue. Brian Bush was present and stated that in his general opinion, the benefits of the location of the Public Safety Building far outweigh the negatives.

Mr. Howell stated that for the last 23 years he has been involved in the Harwich Ecumenical Council for the Homeless and that he does care about housing. He does have a problem with getting 100% affordable housing numbers for all of the units not being affordable. Forgetting about this project, Mr. Howell wants to make sure that we know what is being planned and who will benefit from it. He stated that he is concerned that with 75% of non-affordable units, in this kind of environment, how they can be sure that someone will not try to sublet or use an opportunity to re-rent the unit. Attorney Singer responded that subletting or re-renting units would be prohibited by the least. If someone were found to be subletting, it would be a violation of their lease. The property owner would file a motion in housing court for violation of the lease and the person would be evicted. This process generally takes between 6-8 weeks.

Mr. MacAskill asked what is different from this proposal versus the original that was put forward. Attorney Singer responded that the only change was to the floor plan layouts. Ms. MacAskill asked what the difference is between the LIP/friendly 40b and a regular 40b. Attorney Singer responded that there is more input and discussion with a LIP than a regular 40b. Normally, under a 40b, these kinds of meetings would not happen. The LIP is a chance for leadership of location communities to have more input.

Mr. MacAskill asked how many acres the total parcel is. Attorney Singer responded that it was originally 12.13 acres but that 9.29 acres would be an accurate statement after the approximately 3 acres was deed restricted by the Town.

Based on feedback from Administration, Department Heads and residents, Mr. MacAskill isn't sure that he would be able to support this request without 3-4 pages of conditions. Attorney Singer responded that he understands the concerns and added that if the Selectmen endorse the application, they are not endorsing the site plan, final parking plan or mix of units. It would be an endorsement of the idea of having affordable housing on this property. Attorney Singer and his clients feel that even market rate rental units are needed. At this stage, none of these meetings are binding on either side as no application has been made. Mr. MacAskill agreed with previous comments that the even the market rate rents seem extremely high and asked if they have done a market rate study on the needs for the Town of Harwich. Attorney Singer responded that the study was completed 3 months ago. It was requested that a copy of the study be submitted to the Town.

Mr. MacAskill thanked the applicant for working on the traffic study. Attorney Singer responded that traffic review would be done as part of a public hearing. He added that a traffic review could be done at any time during the year and then adjusted to meet location conditions during a specific month.

Attorney Singer stated that they are not planning on having any more community engagement sessions before the Selectmen decide if they are going to endorse the project or not. He did provide his business card to anyone who wanted it and are still welcoming questions and comments.

Mr. Howell wants to make sure that the applicant is aware that the Affordable Housing Trust Board has engaged the Massachusetts Housing Partnership to engage a RFP for the old recreation building on Sisson Road. The aim is to have 8-10 affordable units on the site.

The biggest takeaway is that the Board of Selectmen is being asked to endorse affordable housing, not the site. The Board is not trying to approve this project tonight.

Peter Gorey from 226 Sisson Road was present to represent at least a dozen neighbors, direct abutters and others. They are asking for a seat at the table. Mr. Gorey requested that Town Staff, Mr. Powers, Ms. Eldredge and all Department Head's engage the community as well. Mr. Gorey stated that they are not against affordable housing and have no reason to think that the applicant only has good intentions. He disagreed with Attorney Singer's comment about a traffic study being done at any time during the year. Mr. Gory asked the Board to go into this with eyes wide open.

Kathy Clobridge from 225 Sisson Road was present and noted her concerns about traffic and public safety issues. She is concerned about the ability of the public safety vehicles to get in and out of the station if we add a project of this scope. Ms. Clobridge would like to see a traffic study done in July and isn't sure what value a project this large would bring to the town.

Attorney Michael Ford was present on behalf of 2 of the closest abutters, Bob & Andrea Doane. Mr. Doane handed a copy of a letter with attachments to the Board. Attorney Ford stated that one of the main issues is that this is all premature and that clearly buildings, roads and pathways



are all proposed in an area that the applicant doesn't have proper property rights to be before the Board. They are in an area of limit of disturbance in favor of fish and wildlife. These areas are to remain natural with no disturbance and can only be released by NHESP. Attorney Ford respectfully suggested that this property is not suitable for affordable housing because they don't have the property rights to apply for it. Another issues is that there is a covenant in place that required the property owner to undertake a turtle management program, which has not been done. Attorney Ford stated that his clients are also very concerned about nitrogen loading with the possible addition of 96 units. Attorney Ford's clients feels that unless the applicant has the property rights necessary to move forward with this project, that the Board should not move forward with an endorsement.

James Walpole from 214 Sisson Road was present. His driveway, living room and master bedroom are located directly across from the only access road to the proposed complex. In addition to occupants vehicles, there will be maintenance, snow removal and delivery vehicles. Mr. Walpole commented that his wife has significant respiratory issues and may not be able to go outdoors due to the increase in pollution. Mr. Walpole feels that the current proposal is unacceptable and does not fit the plan for the community.

Karen Beatty from 195 Sisson Road was present and commented that she is familiar with the affordable housing crisis but believes that this proposal is disingenuous. Ms. Beatty noted her concerns regarding privacy and safety and asked the Board not to endorse the plan as it currently stands.

Clara McLardy was present and asked for clarification on what the Board is being asked to endorse, if it is for affordable housing or 96 units. She asked why we are seeing 40b projects proposed in Harwich that we haven't seen in the past. Ms. McLardy feels that developers are salivating at the thought of sewer coming into Harwich. If we continue to add units, Ms. McLardy feels that we will no longer be at the 58% nitrogen removal requirement and that our options will be narrowed. If the applicant is going to do a denitrification removal system that reaches acceptable levels, then why are we installing sewer.

Susan (last name?) from Sisson Road was present and commented that if the developers can't make their proposal work with less than 100 units that they may want to re-look at their project.

Lou (last name?) from Forest Street was present and noted his concerns about the height of the buildings and what the view will be from his house. He is also concerned about the effect on the conservation later and hopes that the Board votes against the endorsement.

Sandy McLardy was present commented that every time you look at the housing study, that the year round homes are going down and we are losing our affordable community. While is not a fan of Chris Wise's projects, in his defense, he does not see the different between Mr. Wise's project and this one. Mr. McLardy does not see how we can build our way out of the housing crisis.

Judith Underwood was present and noted that she is a water and wastewater commissioner, a member of the Affordable Housing Trust and a resident on Sisson Road. A previous project was proposed at this location for 39 units. Ms. Underwood commented that she has been told that there is no way to add a traffic light at the entrance of the complex. Ms. Underwood stated her

concerns that the hill into the complex was not constructed properly and that the water that comes off of Sisson Road will move the hill and there will be a landslide.

Mr. Powers provided a brief overview of letters received from department heads, residents and property abutters. He will still be seeking comments from department heads that have not responded and will continue to take letters and comments from anyone else that wants to submit them.

Mr. MacAskill stated that it would be his intention to put this on an upcoming agenda. Mr. Powers commented that he would be looking at the August 23 agenda. Attorney Singer agreed.

B. Discussion and possible vote on potential increase from 4% to 6% on Short Term Rental Tax and allocation of funds from Short Term Rental Tax

Mr. MacAskill noted that this had been brought up for a few years and has historically been denied by the Board. We are already collecting the 4% which goes into the general fund. Past Boards have taken up wastewater and how it will be paid for as well as housing and OPEB. The conversation that needs to be had is if the Board wants to consider the additional 2% and where the money will go.

Mr. Ballantine stated that he has voted against this increase for various reasons, but is not stuck with that decision. He would like to have a discussion on how the funds would be allocated.

Ms. Anderson stated that she is in favor of this adding that she would like to see money go towards wastewater and housing but is open to discussing OPEB as well.

Mr. Howell asked then does proposition 2 ½ become proposition 7 ½. He feels that we are grabbing new growth and plowing them into the operating budget. He would feel more secure if these funds were linked to what they were originally approved for. Mr. Howell stated that he is not in favor of throwing a wheelbarrow of cash into the budget.

Mr. Powers stated that originally what was contemplated was a warrant article that would amend the town's room tax rate and increase hotel, motel and short term rental taxes from 4% to 6%. It is his understanding that town meeting would also need to take action to amend this to a higher amount. One of the other articles talked about was to create a special purpose stabilization fund.

It is the intent of the Board to consider raising the tax 2% and direct the Town Administrator to create a warrant article to have further discussion as well as work on a policy on where the money would be allocated.

Ms. Anderson asked what the process of notifying the business community is. Mr. MacAskill responded that he believes that the Chamber of Commerce sent out a email to their community and that if we do move forward, we can likely rely on a story in the Chronicle.

Chamber of Commerce Executive Director Cyndi Williams was present. She has informed businesses that the increase is probably inevitable. Ms. Williams would want to make sure that there is more involvement from the business community so they can best plan. She asked on the timing of the warrant article and effective date, if approved. Mr. Powers responded that if there isn't an effective date in the warrant article, it would go into effect for the first quarter of the year.

Sandy McLardy was present and commented that if his revenue does into the general fund, it would seem like a loophole to proposition 2 ½. If earmarked for wastewater, he wondered if it could be implemented for any technology.

The Board agreed that a warrant article should be drafted for fall town meeting and directed Mr. Powers to create a warrant article for the desire to raise hotel/motel/short term rental tax from 4% to 6% and to work with the Finance Director on the 6% number allocation. Mr. Howell would like that the warrant article be locked in and that if changed at a later date that it goes back to the body who made the decision.

C. Discussion – Potential Community Preservation Committee article – Harwich Center Ideas

There have been a lot of ideas kicked around regarding improvements in Harwich Center. Mr. MacAskill would like to propose a CPC article for lighting in Harwich Center as well as look into sidewalks.

Mr. Powers and Assistant Town Administration Meggan Eldredge have been conducting budget preparation sessions for FY23 and the 5 year outlook. He will be collecting information and bringing it to the Board what projects they feel the town should sponsor.

Mr. Powers has completed the towns required survey for the Department of Transportation on the conclusion of our shared streets winter streets program and as far as DOT is concerned, we have a completed project. In their survey, it was noted that the funding was a one-time effort and they asked if the towns has given any consideration in making the changes permanent. The town should, through the Selectmen, consider if the measures were meant to be temporary or if they should be made permanent, noting that early fall might be the best time for that conversation.

Mr. Howell noted the new addition of the electronic speed sign on Route 39 by Brooks Park. Police Chief Guillemette was present and commented that the sign was put up today and is operational and permanent. Mr. MacAskill paid kudos to the patrolman, noting that Harwich Center looks like a different location when the cruisers are present.

D. Discussion and possible vote to approve a license for Dan Ward to farm bay scallops in Herring River under a private dock at 99 Riverside Drive, Harwich

Mr. MacAskill stated that the plan provided in the packet has been approved by the Harbormaster and Waterways Committee. For him, he feels that the project is fairly self-explanatory.

Dan Ward was present with property owner Jeff Land. Mr. Ward commented that this project is a partnership between the 2 parties.

Mark Kelleher was present and stated that he wholeheartedly supports this request. He wanted to make note that there are other similar projects being required and hopes that the Board will take them into consideration.

**Ms. Anderson moved to approve a license for Dan Ward to farm bay scallops in Herring River under a private dock at 99 Riverside Drive, Harwich, with the condition that during periods when the conditionally approved shellfish growing areas is in the closed status, bay scallops may be harvest for sale of the adductor mussel only, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

E. Update by Town Administrator – 203 Bank Street Request for Proposal

Mr. Powers reported that he needs to acquire the services of a surveyor to finalize a situation that the town was made aware of a few months ago. We need to determine if an additional wetland needs to be delineated. Mr. Powers has directed the Conservation Agent to reach out to a local surveyor who can do the work, with the expectation that we will have them on contract for less than \$5000. He hopes to come back to the Board by early September to finalize information.

F. Update by Town Administrator - 5 Bells Neck Road Request for Proposal (2021 Annual Town Meeting - Articles 17 & 40)

Mr. Powers reported that the RFP has been posted in the Central Register and Cape Cod Chronicle. The timeline discussed at the last meeting has been pushed back by one week. Mr. Powers stated that he has had inquiries from individuals asking to talk to him about the RFP. Mr. Powers responded that it would be inappropriate to do so until the RFP has officially been released.

G. Discussion and possible vote to hold a Public Hearing for the alleged violations on July 3, 2021 at Port Restaurant and Bar - 541 Route 28

**Ms. Anderson moved to hold a public hearing for the alleged violations on July 3, 2021 at Port Restaurant and Bar, 541 Route 28, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

H. Discussion and possible vote to authorize the Town Administrator to be the Hearing Officer for the Public Hearing for alleged violations on July 3, 2021 at Port Restaurant and Bar – 541 Route 28

**Ms. Anderson moved to authorize the Town Administration to be the Hearing Officer for the Public Hearing for alleged violations on July 3, 2021 at Port Restaurant and Bar, 541 Route 28, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

I. Discussion and possible vote to approve a One Day Entertainment license for a private residence located at 638 and 638a Route 28, Harwich Port – Event to be held on August 20, 2021 from 4:30 p.m. to 9:30 p.m. with live music outside

Chief Guillemette was present and asked for clarification on approvals for private residences versus licensed establishments. If the Board is going to call this a special permit, then the applicant would be exempt from the noise bylaw regulation, during their permitted hours. He is looking for clarification on how to instruct his personnel if complaints are received.

Mr. Howell, Mr. Ballantine and Ms. Anderson agreed that they would not want to call it a special permit. Mr. MacAskill added that the Board can condition the approval.

Mr. Powers reported that we have seen an increase in these applications. The Board has the right to issue special permits and have relied upon the entertainment license bylaw. Entertainment licenses are meant for licensed establishments. Applicants are being told by staff that if the license is granted, that it is not a license to be noisy. His take on it is that the town would indicate that they are aware of the event, but it is not permission to act beyond the boundaries of the noise bylaw.

Mr. Howell feels that this is a policy issue and he does not want to get involved with issuing a special permit for everyone who wants to have 20 friends over.

**Ms. Anderson moved to approve a One Day Entertainment license for a private residence located at 638 and 638a Route 28, Harwich Port – Event to be held on August 20, 2021 from 4:30 p.m. to 9:30 p.m. with live music outside, with the condition that the event must conform with the Town of Harwich noise bylaw, 2<sup>nd</sup> by Mr. Ballantine and approved 3-1-0 (Howell).**

- J. Discussion and possible vote to approve a One Day Entertainment license for a private residence located at 44 Chatham Road, Harwich – Event to be held on August 27, 2021 from 5:00 p.m. to 10:00 p.m. with live music outside

This application was previously approved, however the date of the event has changed.

**Ms. Anderson moved to approve a One Day Entertainment license for a private residence located at 44 Chatham Road, Harwich – Event to be held on August 27, 2021 from 5:00 p.m. to 10:00 p.m. with live music outside, with the condition that the event must confirm with the Town of Harwich noise bylaw, 2<sup>nd</sup> by Mr. Ballantine and approved 3-1-0 (Howell).**

- K. Discussion and possible vote to approve a new seasonal 2021 Common Victuallers license – Ashwood Food Service Inc. d/b/a Snack Shack – 715A Main Street – *Pending Certificate of Insurance and Building Department/Health Department Approval*

Mr. Powers clarified that the 715A Main Street location is Saquatucket Harbor. Ashwood Food Services is known locally as Jake Rooney's. The reason that the Health Department did not sign off on the application is because Mr. Powers had directed the applicant to meet with him. The next step would be for the Board to approve the Common Victuallers license so the process can move forward, subject to Building and Health approvals. The applicant is not anticipating opening before August 10. As of today, the town still has not been able to acquire the foods and the equipment that the prior establishment had.

Richard Waystack was present and asked if the bidder was going to be dictated as to what their menu would be. Mr. Powers stated that during negotiations, he asked the bidder to not tell them their planned menu.

**Ms. Anderson moved to approve a new seasonal 2021 Common Victuallers license – Ashwood Food Service Inc. d/b/a Snack Shack – 715A Main Street, Pending Certificate of Insurance and Building Department/Health Department Approval, 2<sup>nd</sup> by Mr. Ballantine and approved 4-0-0.**

### **OLD BUSINESS**

- A. Discussion and possible vote on holding a special Board of Selectmen meeting on Tuesday, August 10, 2021 at 6:00 p.m. to discuss Comprehensive Wastewater Management Plan (CWMP) revisions as well as SewerCAD modeling

The Board is being asked to consider a standalone meeting for August 10 at 6:00 p.m. to discuss the CWMP revisions as well as sewerCAD modeling. It is meant to be a broader discussion and resume community engagement. This could also be used as an opportunity let our counter parts of Dennis and Yarmouth know that we are having these discussions. Mr. Powers stated that it is important for the town to re-engage these conversations.

Mr. Howell commented that the only comparisons that we have been offered are how much will be saved with a regional agreement versus building our own.

Mr. MacAskill asked if August 10 would be enough time to get people to this meeting and make sure that we are able to have an educated discussion.

Mr. Ballantine stated that he would not be able to make a meeting on the 10<sup>th</sup>. Mr. MacAskill asked about the possibility of the 17<sup>th</sup> or the 24<sup>th</sup>. Mr. Powers responded that he would be prepared to push the meeting out to the week of the 23<sup>rd</sup> or even past Labor Day. He asked if August 24<sup>th</sup> would work for the Board and the Board agreed.

Mr. Howell would like to make sure that the Board receives a copy of the last agreement with DHY and to make sure that it is posted on the website. Mr. Powers responded that he would try. He did note his concern that what Harwich considers the final agreement isn't what the other towns and vendor have.

Clara McLardy was present and asked what the agenda items would be. Mr. Powers responded that the agenda would include the CWMP revisions and sewerCAD. Under the CWMP, Ms. McLardy would like to talk about developments and sewer.

Sandy McLardy was present and commented that it seems like there was a emphasis on the DHY IMA versus a separate entity. Mr. MacAskill responded that this is just the beginning of bringing back public engagement.

Ms. Anderson wondered if this was a lot for one meeting and wondered if there should be a separate meeting for DHY discussions. Mr. Powers responded that a separate meeting could be scheduled, but that this is how we need to move forward to start discussions.

Mr. Howell stated that no one should have the assumption that we are going to have an article at town meeting this fall.

Mr. MacAskill asked that information be provided to the Board as soon as possible.

#### B. Procurement Update – all open projects and time frame

The Board was provided with a spreadsheet of procurement activates which is meant to demonstrate that we continue to track procurements that are out there. Mr. Powers reviewed the information provided to the Board. Mr. Powers provided the Board with an update on the Judah Eldredge land noting that he is working with staff to revive the town's efforts to complete the acquisition of the property as authorized by the vote of town meeting under article 55 at the 2018 annual town meeting.

#### C. Update on Halls Path

Mr. MacAskill reported that a productive meeting was held after the lawsuit was filed. There isn't much that can be discussed in open session because are in litigation, but the attorneys have a clear direction on where we want to go.

#### D. Discussion and possible vote - Mark Kelleher, Kelpheher Farms, regarding bay scallop



Mr. MacAskill stated that 2 weeks ago, the Board had a presentation from Mr. Kelleher. AT the time, the Board showed interest in the application however the application was denied by the Harbormaster, Natural Resources Director and Waterways Commission. Though Mr. MacAskill feels that it is a great proposal, it will open Pandora's Box. The proposed expansion would take away from other residents being able to drag in that area.

Mr. Ballantine commented that he appreciated the proposal and did push back with the Harbormaster asking if there are any other sites that could be used. After a lengthy discussion, Mr. Ballantine is no convinced that the proposal won't work and is on Board with not moving forward with the application. Ms. Anderson agreed.

Mr. MacAskill asked if Mr. Kelleher needs a vote from the Board denying the request. Mr. Kelleher responded that he does not.

Mr. Kelleher stated that he accepts the decision of the Board although he thinks that the topic will resurface because there is potential out there. For the sake of clarity, he would like the Harbormaster to refuse him the 10A permit sot that he can appeal it with DEP. Harbormaster John Rendon was present and thanks that there is a distinction that needs to be made. The 10A permit is separate from the permit that the Board would be authorizing. In his mind, he will not issue the 10A permit and will put that decision in writing.

### **CONTRACTS**

- A. Discussion and possible vote to authorize the chair to sign the contractor evaluation form for the Cranberry Valley Golf Course Cart Barn construction

**Ms. Anderson moved to authorize the chair to sign the contractor evaluation form for the Cranberry Valley Golf Course Cart Barn construction, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

- B. Discussion and possible vote to approve the lease agreement for a 14 passenger van with the Cape Cod Regional Transit Authority to be used by the Council on Aging

**Ms. Anderson moved to approve the lease agreement for a 14 passenger van with the Cape Cod Regional Transit Authority to be used by the Council on Aging and authorize the Chair to sign the agreement, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

### **CORRESPONDENCE**

- A. Update from Fire Chief David Leblanc on fluid spill on Depot Street

In the future, Mr. Howell would like a letter from the Police Chief on events on this nature. Mr. MacAskill commented that he would work with the Police Chief.

- B. Letter from John Mahan on Brooks Park lighting project
- C. Resident Thank You letter regarding Water Department

### **TOWN ADMINISTRATOR'S REPORT**

Mr. Powers stated that his email has been hacked and that if anyone receives an email from him with "respond" in the subject line, to ignore it.

### **SELECTMEN'S REPORT**

None discussed.

### **ADJOURNMENT**

**Ms. Anderson moved to adjourn the meeting at 9:30 p.m., 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

Respectfully submitted,  
Jennifer Clarke  
Recording Secretary

APPROVED

RELEASED

**MINUTES  
SELECTMEN'S MEETING  
MONDAY, NOVEMBER 1, 2021  
6:00 P.M. - EXECUTIVE SESSION  
6:30 P.M. - REGULAR MEETING**

**SELECTMEN PARTICIPATING:** Michael MacAskill, Larry Ballantine, Donald Howell, Mary Anderson & Julie Kavanagh

**ALSO PARTICIPATING:** Town Administrator Joseph Powers

**CALL TO ORDER**

Chairman MacAskill called the meeting to order at 6:00 p.m. beginning with Executive Session.



**EXECUTIVE SESSION**

- A. Executive Session pursuant to G.L. c. 30A, sec. 21(a)(2) to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel
- B. Pursuant to MGL, c. 30A section 21 (a) paragraph 3 to discuss with respect to collective bargaining for all town unions if an open session would have a detrimental effect on the town's bargaining position and the chair so declares;

Mr. MacAskill stated that the Board took up union and non-union matters during Executive Session. Some votes were taken but because they relate to personnel, those votes will not be announced tonight.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

Chamber of Commerce Executive Director Cyndi Williams was present. She had the honor of attending an event this past week that was to dedicate the bridge at Route 137 over Route 6 to those that are suffering or have suffered from PTSD. This milestone is the hard work of John Dickson's 8<sup>th</sup> grade civics class as well as Bridges for the Fallen. Mr. Ballantine emphasized Ms. Williams's comments and noted that both he and Ms. Anderson attended the event. Ms. Anderson suggested that the Selectmen issue a proclamation for the civics class. Her fellow Board members agreed.

Council on Aging Director Emily Mitchell was present and commented that if anyone with SNAP benefits lost food because of the storm and power outages, there is an opportunity to have their food replenished. Copies of the application are available at the Council on Aging and staff would be more than happy to help with completion and submittal of the forms. Completed forms need to be submitted within 10 days of when the food was lost.

**CONSENT AGENDA**

- A. Vote to approve a Caleb Chase request in the amount of \$1000.00
- B. Vote to approve a Caleb Chase request in the amount of \$1000.00
- C. Vote to approve a Caleb Chase request in the amount of \$965.94

**Ms. Anderson moved to approve the consent agenda as listed above, 2<sup>nd</sup> by Mr. Howell and approved 5-0-0.**

**OLD BUSINESS**

Board of Selectmen  
November 1, 2021



APPROVED

A. Discussion - Local Initiative Program (LIP) for Chloe's Path Affordable Housing Development (no votes will be taken)

Mr. MacAskill stated that the public would be speaking first then public comment would be stopped. After public comment, the meeting will be turned over to Attorney Singer for any response. The Board will then state their comments and/or concerns to the applicant. Mr. MacAskill commented that this is a LIP application and that applicant is not required to do this. If the Board does not support the LIP, he is sure that the developers will go to the state for an unfriendly 40b.

Peter Gori from 226 Sisson Road was present and commented that he still believes that this project is grossly oversized and that it is a luxury residential project. Mr. Gori went on to state that he feels this is not an affordable project and that it will create a property value issue. Mr. Gori stated that questions that were asked 105 days ago still have not been answered. Questions included additional information on a traffic study, would the project need Cape Cod Commission approval, deed restriction modification, sewers, lien on the property and if the developers knows how many residential projects in Harwich have on-site leasing. Mr. Gori will submit his completed list of questions to the Board. He went on record to state that quite clearly this project is just too large for this sensitive site.

Bill Kavaleski from 138 Forest Street was present and thanked the previous speaker for voicing their concerns that are the same as a lot of people in the neighborhood. His understanding is that the developer has been in talks with others in the area however not all have been involved or notified about these meetings. Mr. MacAskill responded that he has spoken with Brian Buh and that Mr. Bush is very responsive to requests from residents. Mr. Kavaleski commented that he is opposed to this project because of the size and location.

Judith Underwood from 220 Sisson Road was present and commented that she is a huge advocate of affordable housing. Due to technical issues, she has not been able to send a report to the Selectmen, but will get it to them by the end of the week. The report deals with the stabilization of the hill that was built in 2016. The neighbors are not confident that the hill was built to the specifications of the engineer. Ms. Underwood asked if there has been any discussion with Public Safety about having 2 egresses for the complex.

Clara McLardy was present and stated that she is concerned about the trajectory in town and she encouraged the Board to think of themselves as representatives of the community. Ms. McLardy feels that the story line we are being fed is that if we just were more open to these projects, it would take care of the problem. She asked the Board to try and evaluate this project on the side of the community and ask what is nurturing our community verses exploiting.

Sandy McLardy was present and asked if the Town has the equipment to serve a building of this height. He also asked if the Water/Wastewater Superintendent could answer what the nitrogen load would be. Mr. MacAskill responded that the Town does have the correct equipment depending on the layout of the building. Water/Wastewater Superintendent Dan Pelletier was present and responded that in order to determine the nitrogen loan, he would have to work with the developer to look at the actual water use and then look at the treatment plant that they are proposing.

Attorney Andrew Singer was present and stated that he would respond to most of the questions in 2 weeks. As far as the Cape Cod Commission, Cape Cod 40b's are exempt from the process, thought the Commission does comment on them. In regards to the traffic study, they have done preliminary research and will be doing a full traffic study with seasonal conditions as they have previously stated.

Mr. MacAskill stated that he spoke with the developer regarding their project in Hudson that they sold. The developer had a different partner and different financing mechanism and someone wanted out. The developer has stated that they do not intend to sell this project.

Mr. Ballantine thinks that as this process goes forward, we have the ability to negotiate conditions. He commented a concern about the height of the building and wondered what would happen if the 3<sup>rd</sup> story of the building was removed which would reduce it to 62 units. The Board has also heard concerns regarding traffic. Mr. Ballantine would like to see this project limited to year round rentals and prohibit the opportunity for them to be converted into condominiums at a later date. In the past, we have looked at other projects to address directional lighting to give some relief to abutters. Another condition suggested was the improvement of sidewalks from Harwich Center to Shaws. Open space is vital and Mr. Ballantine would want to see strict conditions of the wildlife corridors.

Ms. Kavanagh stated that she does not see the proposed market rate rents as feasible for this area and doesn't see this as the housing that we are looking for. As much as we need housing, we need it for the people in the area that can afford it. Ms. Kavanagh added that it is important to find a way to have more workforce housing. The applicant has stated that there will be sewer in the area in the near future, which Ms. Kavanagh disagreed with. Page 2 of the marketing and outreach plan needs to be revised to reflect the correct town. If we are looking at reducing the numbers, Ms. Kavanagh suggested that if we are looking at reducing the numbers, maybe they look at the underground parking. She noted that nothing in the plan shows a proposal for solar but does show the units being heated with electric.

Ms. Anderson thanked everyone who has submitted comments regarding the project. She feels that we cannot let the perfect get in the way of the possible good of this project and would like to see us work together with the developer and condition the project. If the developer wants to stick with 96 units, she would like to see a 3<sup>rd</sup> of them be affordable. In addition, Ms. Anderson would like to see ADA compliant sidewalks from Route 28 to Harwich Center, all units to remain rental units in perpetuity, all units be year-round residents, if the property is connected to sewer, that all costs of connecting to the sewer belong to the developer and see maximum occupancy numbers for the units. In closing, Ms. Anderson wants the developer to work with the neighbors to mitigate any problems that they have described.

Mr. Howell acknowledged that he is a member of the Harwich Affordable Housing Trust and has been a member of the Harwich Ecumenical Council for the Homeless for more than 2 decades and added that he is not speaking on behalf of any of these organizations. Mr. Howell feels that perpetuity is not as long as it used to be. Mr. Howell objects to the town being a hostage by this request. He would like to see the applicant get approvals from the state and the conservation restrictions modified and then come back before the Selectmen for a discussion. Mr. Howell also stated that he is unimpressed with luxury units being counted towards the number of affordable units. Right now, he is still of the mind that he wants to see

if the Department of Environmental Protection will live the requirements of what is imposed on the lot.

Mr. MacAskill thanked everyone for being involved in these discussions and he also complimented the developer. Whether the Board agrees with the project or not, the Bush family has high marks as a quality builder and a good firm. If the Board is going to be a no vote, then we need to let the developer know before making them jump through any more hoops. Mr. MacAskill's major concern is regarding the size of the project. The Board has made it clear that they are pro-housing as long as it is what is best for the community. Density is of high importance to Mr. MacAskill and he added that we need to figure out how we are going to get more Harwich people. Mr. MacAskill asked for Attorney Singer to meet with his team and see if we can come to a middle-ground.

If the application goes forward, Mr. Powers required that the number of affordable units be corrected on page 8.

### **NEW BUSINESS**

#### **A. Annual Committee Meetings:**

##### **a. Board of Assessors**

Board of Assessor's Chairman Richard Waystack was present. Mr. MacAskill congratulated him on his most recent award. The Board of Assessor's provided a detailed report to the Board. Mr. Waystack highlighted that at the Annual Town Meeting 2 years ago, the town endorsed us filing a community legislation to allow those under the age of 60 to be given relief of their taxes under financial hardship or infirmity. As of today we have not heard the results of our application but if passed, we will be the first in the Commonwealth to offer that option.

Mr. MacAskill noted that a current theme is tax collection, owner's unknown and miscellaneous parcels. He referred to a fairly large sand pit parcel in East Harwich that is paying taxes of \$3,000. This property was rented to RH White for their construction permit. Mr. MacAskill has heard rumors that there will be a large solar field in the pit. Mr. Waystack responded that the Board of Assessors has a fine line in terms of preparations versus regulation and policy. The solar field would be a business and they would have to submit paperwork to the Assessing Department. There is a policy that was put in place 10 years ago, which was endorsed by the Selectmen. For any parcel to be added to the tax role and taxed at best use, it needs to have an engineered stamped plan with a deed that corresponds to the plan.

##### **b. Real Estate and Open Spaces Committee**

Chairwoman of the Real Estate and Open Space Committee Elaine Shovlin was present. A report was submitted to the Selectmen. For the first time, they have no vacancies on the committee and their membership is very well balanced. The committee has been putting a lot of time into preparing recommendations for tax liens and owners unknown properties.

Mr. Ballantine and Ms. Kavanagh stated that the information that the committee provides is very helpful for the Selectmen.

Mr. Howell commented that he knows the committee has been frustrated in the past about the process of title abstracting. He hopes that we can move forward knowing that the Selectmen and Administration have committed to the process.

Board of Selectmen

November 1, 2021



c. Recreation and Youth Commission

No one was present on behalf of the commission. Mr. MacAskill commented on the noticeable 15% increase from 2020. He asked for further clarification on the parking violation numbers provided in the report. Mr. MacAskill stated that there is one vacancy on the committee.

Mr. Howell asked if it would be possible for the commission to provide the Selectmen with the amount of fees as compared to 2019 with the thought that COVID-19 may have distorted numbers.

d. Water/Wastewater Commission

Mr. MacAskill stated that due to illness of the presenting commission member, the Board would re-schedule.

e. Waterways Committee

Chairman of the Waterways Committee Tom Themistos was present. A report from the committee was provided to the Board. Mr. Themistos commented that the Harbor Master Department has been very busy. He stated that the Barnstable County dredge cleared out the residue in the Allen Harbor and Saquatucket Harbor channels. All material was used for nourishment on private and public beaches. Thanks to the Harbor Master, the town was awarded a grant totaling \$36,000 which will be used next year for the dredging of Allen Harbor. Saquatucket Harbor is booming on revenue. The boat ramp at Round Cove was replaced by Robert B. Our Company.

B. Discussion – Committee Vacancies

Mr. MacAskill reviewed the committee vacancies as presented in the packet.

Board of Assessor's Chairman Richard Waystack was present and commented that they have an opening and one alternate member that they are hoping to have sworn in. Mr. Howell responded that we tend to want to announce the vacancy so the general public has the option to submit an application and to allow for interviews them make a selection. Mr. MacAskill recommended that the alternate member contact the Interview Committee to schedule an appointment.

Mr. Powers stated that Town Moderator Michael Ford has worked with staff to have a notice posted in the Cape Cod Chronicle. He will be conducting interviews of any interested parties for the Finance Committee.

Mr. Howell stated that he is still unclear about the Forest Committee. After our tree warden moved on we decided to do most of that work in house through the DPW. Ms. Kavanagh responded that she thought the Board had talked about ending the committee back in 2018 and she thinks that we should take a look at it. Ms. Anderson added that she doesn't see the need for the committee. Mr. MacAskill wondered if it is a state required committee. Mr. Powers responded that he would look into the committee requirements.

Mr. Ballantine noted that the Accessibility Rights Committee is mandated by the state and that we are not fulfilling our state obligations by not having a full board. He would like to see this committee advertised and have it functioning.

Mr. Howell stated that we have exhausted the backlog of people who have submitted citizen interest forms. When Administration receives an application, staff emails the interview committee within days.

Ms. Anderson asked where we are at with the Community Center Committee. Mr. Ballantine responded that the Community Center Committee discussion would be brought back at a future meeting.

- C. Discussion and possible vote to approve the Board of Selectmen Public Hearing Minutes – February 10, 2020

**Ms. Anderson moved to approve the Board of Selectmen Public Hearing Minutes from February 10, 202, 2<sup>nd</sup> by Mr. Howell and approved 5-0-0.**

- D. Discussion on policies and procedures related to tax payments for unknown and miscellaneous properties

In Mr. MacAskill's opinion, we are not doing enough. He will bring this back in the beginning of December with more information as well as both the Tax Collector and Assessor to make a presentation to the Board. Mr. Waystack commented that this is the perfect opportunity to work as a group to come up with a proposal.

Mr. Ballantine asked how many years we can go back to collect taxes. Mr. Waystack responded that we work under the Department of Revenue for guidelines.

- E. Discussion and possible vote on the 2020 Re-Precincting Plan for the Town of Harwich

Provided in the Board's packet is a map that was provided by the Secretary of the Commonwealth. This happens every 10 years and follows the federal census. The Board of Selectmen is required to take the vote as provided in the memo to accept the boundary lines that are depicted on the plan.

**Mr. Howell moved to accept the re-precincting plan as presented and sign the memo as presented, 2<sup>nd</sup> by Ms. Anderson and approved 5-0-0.**

- F. Discussion and possible vote to waive transfer station fees for yard waste associated with the Nor'easter on 10/27/2021.

Mr. MacAskill reviewed the existing storm damage brush fee waiver policy. This past storm took in a fairly insignificant amount of brush. He did note that there is a cost to deal with the brush. Based on staff at the Transfer Station, there was not a lot of requests received for the fee waiver. The DPW Director did not think that the amount of brush taken in called for waiving the fees.

Mr. Howell stated that we have weather than happens here often. We are hamstrung if we wait a week or so to call a meeting because people need to act quickly. He suggested that the Board review the policy.

Ms. Anderson stated that it would be a good thing to change the policy. Ms. Kavanagh agreed.

Mr. MacAskill noted that anyone bringing in a significant amount of weight will go to a private collector. Harwich does their fees by weight. When Harwich waives their fees, everyone comes to our Transfer Station. There would be a significant cost to the town in waiting this fee for every storm. He asked Mr. Powers to speak with the DPW Director on any potential changes to the policy to add a layer for emergency meetings. Mr. Powers agreed but offered that the policy as stated did work. There was never a contemplated declaration of emergency from the Governor. He feels that it is wise for the Selectmen to not enforce the policy at this time.

## **CONTRACTS**

- A. Discussion and possible vote to approve a contract with Eastern Minerals, Inc. in the amount of \$138,000 for snow and ice public works supplies (materials)

**Ms. Anderson moved to approve a contract with Eastern Minerals, Inc., in the amount of \$138,000 for snow and ice public works supplies (materials), 2<sup>nd</sup> by Ms. Kavanagh and approved 5-0-0.**

- B. Discussion and possible vote to approve and authorize the Chair to sign the RJV Construction Corporation request for Change Order Number 4 for Sewerage Works Improvements Phase 2 Contract 2. This change order results in a net decrease to the contract price of \$564,559.

**Ms. Anderson moved to approve and authorize the Chair to sign the RJV Construction Corporation request for Change Order Number 4 for Sewerage Works Improvements Phase 2 Contract 2. This change order results in a net decrease to the contract price of \$564,559, 2<sup>nd</sup> by Mr. Ballantine and approved 5-0-0.**

- C. Discussion and possible vote to approve and authorize the Chair to sign the Robert B. Our Company's request for Change Order Number 6 for Sewerage Works Improvements Phase 2 Contract 1. This change order results in a net decrease to the contract of \$1,005,810.00.

**Ms. Anderson moved to approve and authorize the Chair to sign the Robert B. Our Company's request for Change Order Number 6 for Sewerage Works Improvements Phase 2 Contract 1. This change order results in a net decrease to the contract of \$1,005,810.00, 2<sup>nd</sup> by Mr. Ballantine and approved 5-0-0.**

## **TOWN ADMINISTRATOR'S REPORT**

Mr. Powers asked Waste and Wastewater Superintendent Dan Pelletier to speak about the change orders as approved above.

Mr. Powers executed a contract for MC McGovern Municipal HQ in the town. It is a firm that sells transit cargo cans. In accordance with the 2020 vote of Town Meeting, we had purchased a 2022 transit cargo van for DPW. The total contract is \$45,288.75.

Mr. Powers spoke about the October 2021 nor'easter and paid kudos to all parties involved, including Eversource who has shown that they are a good strong partner.

## **SELECTMEN'S REPORT**

Mr. MacAskill stated his amazement with how many people use the Harwich Transfer Station.

## **CORRESPONDENCE**

No correspondence was discussed.

## **ADJOURNMENT**

**Mr. Ballantine moved to adjourn the meeting at 9:45 p.m., 2<sup>nd</sup> by Mr. Howell and approved 5-0-0.**

Respectfully submitted,

Board of Selectmen  
November 1, 2021

Jennifer Clarke  
Recording Secretary



MINUTES  
SELECTMEN'S MEETING  
MONDAY, NOVEMBER 15, 2021  
5:00 P.M.-JOINT MEETING  
6:00 P.M. - EXECUTIVE SESSION  
6:30 P.M. - REGULAR MEETING

APPROVED

RELEASED

**SELECTMEN PARTICIPATING:** Michael MacAskill, Larry Ballantine, Don Howell, Mary Anderson & Julie Kavanagh

**ALSO PARTICIPATING:** Town Administrator Joseph Powers

**CALL TO ORDER**

Ms. Kavanagh called the Board of Selectmen meeting to order at 5:00 p.m.

Mr. Waystack called the Board of Assessors meeting to order at 5:00 p.m. Board of Assessors Member Bruce Nightingale was also present.

**JOINT MEETING WITH THE BOARD OF SELECTMEN AND THE BOARD OF ASSESSORS**

A. Classification Workshop in preparation of the November 29, 2021 tax classification hearing

Finance Director Carol Coppola was present with Gail McAleer from PK.

Ms. McAleer walked the Board through the information for the upcoming classification hearing, starting with the levy limit worksheet. The way that we determine the estimated market value is by analysis qualified sales that occurred during the calendar year. With all of the sales data, we then look at the assessed values and compare them to the sales followed by a statistical analysis. After the information has been reviewed by the Board of Assessors, it is then sent to the Department of Revenue. Questionnaires are sent to the property owners that ask questions about the property transfer. Ms. McAleer reported that about 50% of the forms are returned to the Town.

The State of Massachusetts and the Department of Revenue require that all properties within every city and town have to be re-measured every 10 years. This is called a cyclical re-inspection. The more accurate the data, the more accurate the result and the more fair the levy of the taxes.

Ms. McAleer reviewed new growth, the levy limit worksheet and briefly reviewed proposition 2 ½.

Ms. Anderson asked if there is a relationship between the levy and the budget. Ms. McAleer responded that you need to know all sources of income when you are preparing your budget.

Ms. Kavanagh asked if there is a levy limit that cannot be exceeded. Ms. McAleer responded that proposition 2 ½ has no bearing on the on the levy limit. Mr. Waystack did add that you cannot raise the levy limit or taxes based on an increase in valuation. That there has to be a corresponding decrease in the tax rate.

Ms. McAleer commented that the total valuation of the entire Town of Harwich is \$6,736,510,770 and that the total levy is \$54,700,467. The more the values rise, the more the levy is fixed. Mr. Waystack added that the budget is based on Town Meeting action. If there are additional spending and overrides, the Board of Assessors have nothing to do with that.

Ms. McAleer stated that a debt exclusion is a temporary override only for the length of the term of the loan. One other item that is allowed to be added to the levy limit is the county tax from the Cape Cod Commission. Each year, towns receive a bill from the Commission and it goes onto the tax levy.

Ms. McAleer walked the Board through the Board of Assessors recommended votes that could be taken by the Board of Selectmen. Historically, the Board of Assessors has recommended that the Selectmen vote a residential factor of 1 which means they are voting whether or not everyone in town will pay the same tax rate. Another option would be for the Board to determine if they want to take a portion of the residential levy and shift it to the commercial and industrial personal property. This option would make sense if you were a large city with big commercial operations who use a lot of town services that drive up prices and costs. In Harwich, the residential class is almost 93% of the levy. Ms. McAleer commented that this would be too hefty of a load and too small of a class to try and shift the tiniest amount of relief from one to the other. The other option to consider is the open space discount, which is an older statute. This looks at how property is used and because there is no land in Harwich that is classified as open space, creating an open space discount in value is a moot point.

Homeowners may qualify for a residential exemption as long as they are the owner of the record as of January 1 and that it is their principal residence. This exemption is based on the total value of the residential class. For example if a 10% residential exemption was granted, it would shift from tax payers whose real estate is their principal residence to those that it is not their principal residence. Without a residential exemption, everyone's tax rate is \$8.12. Ms. McAleer commented that Harwich has more than 1,000 homes that are valued at more than \$950,000.

Ms. Anderson asked if there is any mechanism that would allow us to try and shift some of the tax burden onto the 2<sup>nd</sup> homeowners. Ms. McAleer responded that is what the residential exemption is designed for, but that it does come with its limitations. It does help some lower valued homes, but not much. She noted that the Town is very generous with their exemptions and that they are very proactive in creating articles to help the most needy residents in town as well as tax deferrals for those who are struggling. Mr. Waystack added that Harwich has the highest potential exemptions for people in the Commonwealth. There is also a bill pending in the House that is a hardship exemption for people under 60 which would allow for a potential credit of up to \$1000.

Mr. Ballantine asked if any other towns have adopted anything other than a factor of 1. Mr. Waystack responded that 3 towns have.

**Mr. Nightingale moved that the Board of Assessors recommend that the Board of Selectmen adopt a residential factor of 1 and to not grant an open space exemption, residential exemption or commercial exemption, 2<sup>nd</sup> by Mr. Waystack and approved 2-0-0.**

**Mr. Waystack moved to adjourn the meeting of the Board of Assessors, 2<sup>nd</sup> by Mr. Nightingale and approved 2-0-0.**



Mr. Powers thanked the Finance Director for working with the Board of Assessors. He also thanked the Assessing staff for being present at the meeting.

Ms. Anderson moved that the Board of Selectmen go into Executive Session to discuss the items as listed below, 2<sup>nd</sup> by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Mr. Ballantine, Ms. Kavanagh, Ms. Anderson and Mr. Howell voting aye by roll call.

#### **EXECUTIVE SESSION**

- A. Pursuant to MGL c.30A section 21 (a)(3) to discuss with respect to collective bargaining for all town unions if an open session would have a detrimental effect on the town's bargaining position and the chair so declares;
- B. Executive Session 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;
- C. Pursuant to MGL c.30A, §21(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.

Mr. MacAskill stated that the Board started tonight's meeting with the Board of Assessor's followed by an Executive Session. The Selectmen did not make decisions on any of the Executive Session agenda items.

#### **PUBLIC COMMENTS/ANNOUNCEMENTS**

Harwich Chamber of Commerce Executive Director Cyndi Williams was present and announced Small Business Saturday which will be held on November 27. Starting this week, you can pick up your shopping booklet and it is encouraged for people to shop 6 or more of the included businesses and attach your receipt to the booklet. The booklet can be returned to the Chamber and you will be entered into a drawing. Ms. Williams commented that Christmas in Harwich is from December 3-December 5 and that she would be back next week with their permit request.

Ed McManus was present to represent the Lower Cape Eastham Kiwanis Club. They will be conducting a warm thing collection and are asking people to donate new or gently used clean items included coats, socks, mittens and hats. Collection locations will be at the Public Safety Building on Sisson Road, Route 39 Fire Station, Seal Pub, Murphy's General Store and Eastham Town Hall. The drive will run from this Wednesday through Thanksgiving.

#### **CONSENT AGENDA**

- A. Vote to approve the resignation of Elizabeth Watkins from the Treasure Chest Committee
- B. Vote to approve the chair to sign three Fire Department employee step increases per contract
- C. Vote to accept the grant to the Harwich Fire Department from the MediCenter Five, Inc-Brewster, Chatham, Eastham Harwich, Orleans Emergency Medical Service (MCV-BCEHO EMS) Fund of The Cape Cod Foundation in the amount of \$1,321.65 to be used for "Stop the Bleed" kits
- D. Vote to approve the Assistant Town Administrator's recommendation to grant permission of NSTAR Electric Company D/B/A Eversource Energy for the purpose to install 40' +/- of 1-3" conduit under the public road, the purpose of this construction would be to provide new underground service to 12 Sea Breeze Avenue, Harwich, as indicated on Plan No. 6266951.

Ms. Anderson moved to approve the consent agenda as listed above, 2<sup>nd</sup> by Mr. Howell and approved 5-0-0.

### **NEW BUSINESS**

#### **A. Annual Committee Meetings:**

##### **a. Board of Health**

Board of Health Chairwoman Pamela Howell was present. Ms. Howell thanked Health Department staff for their remarkable work over this last difficult year. A report from the Board of Health was submitted to the Selectmen.

Ms. Anderson thanked the Board of Health for what they have done through a tough year.

Mr. Howell reacted to the last part of the report, which he stated is not a reflection on the Board of Health or their staff. He wants to make sure that the public understands that the Board of Health adopted Fertilizer regulations in part allowed us to gain credits for nitrogen loading in Pleasant Bay. For some unknown reason, the state that is suing the Town to remediate nitrogen is also telling the Town that we have no authority to create these regulations.

Mr. Ballantine commented that the State had passed their own regulations on fertilizer application and had given the towns a deadline to pass their own regulations. At the time, the Board of Health decided to not move ahead with a local regulation. He suggested that the Board of Health may want to discuss how to enforce the state regulations.

Sandy McLardy was present and asked if the Town could pass a bylaw at Town Meeting to get the nitrogen credits. Mr. MacAskill responded that he would make a note of this for future discussion.

##### **b. Community Center Facilities Committee**

Angelina Chilaka was present. A report from the committee was provided to the Selectmen. In terms of passports, they have issued 135 new and 122 renewals for the year. The Community Center was able to host the Cranberry Festival, Special Town Meeting, Halloween events, letters to Santa as well as other events. Of note is that there are more hours available at the Community Center. Ms. Chilaka gave thanks to Carolyn Carey and her staff who has worked through COVID. She commented that the Community Center and schools are the diamonds of the Town.

##### **c. Council on Aging**

Richard Waystack was present. A report was provided to the Selectmen. The committee provides support and advocates for our older families in the community. During the difficult time of COVID, the COA was still able to provide 15,000 meals, 15,000 rides in the COA van and over 500 orders of groceries.

The Selectmen agreed that the COA does a fantastic job and truly provides a lifeline to so many residents.

#### **B. Town Administrator to present the Annual Town Meeting Budget Calendar for 2022 Annual Town Meeting**

Mr. Powers provided the Board with a draft budget calendar for 2022 Annual Town Meeting which includes a number of deliverable and target dates. Department heads have been striving to provide any required information so that when Mr. Powers will be able to provide the Board with current

information. Mr. Powers asked the Board if they think it advisable to resume the in-person traditional joint meeting with the Selectmen and Finance Committee. The Board agreed.

Mr. Ballantine asked why the upcoming bylaw and charter meeting talks about municipal calendar versus fiscal calendar. Mr. Powers responded that he met with the committee and they requested to have a more comprehensive municipal calendar. He also promised the committee that he would like to come back to have an opportunity to refine what the charter requires of the deadlines versus what can be done in reality.

**C. Discussion and possible vote on Remote Participation policy per a request of a member of the Affordable Housing Trust**

Mr. Powers commented that the request has changed someone. The request comes from Larry Brophy who serves on the Trust. The original request was from December to March. Due to a funeral, Mr. Brophy is currently out of the state. Speaking as a member and chair of the Trust, Mr. Powers asked the Board to approve this request.

Ms. Anderson commented that she doesn't have a problem with this specific request but worried that it might invite a broader zoom participation request.

Ms. Kavanagh stated that she doesn't see a reason to limit this and that this might be a chance to have a broader discussion. Remote participation might also help fill some committees as well.

**Ms. Anderson moved to approve the Remote Participation policy per a request of a member of the Affordable Housing Trust effective November 2021 through March 2022, 2<sup>nd</sup> by Mr. Ballantine and approved 5-0-0.**

**OLD BUSINESS**

**A. Discussion and possible vote to support the Local Initiative Program (LIP) for Chloe's Path Affordable Housing Development**

Attorney Andrew Singer was present along with the Chloe's Path development team. They submitted a memo to the Selectmen which answered questions as best possible as well as provided additional information. Attorney Singer stated that he hopes the Board will vote to support it.

Mr. Ballantine stated that he appreciates the applicant in terms of working with the abutters about concerns of lights and borders around the property. He would be interested in more information on the comments regarding net zero nitrogen loading. It appears that the applicants approach would be to hook enough neighboring properties to the sewer system. Mr. Ballantine asked for explanation on how that process would work and what the cost would be. John O'Reilly was present and stated that the goal is to remove nitrogen from the embayment that the wastewater will be discharging in to. You can find a property in the area that has a failing septic system or someone looking for de-nitrification, and then introduce innovative alternative technology treatment to lower the nitrogen. You would have to canvas the area and look at what options might be available. Attorney Singer added that until all of the survey work is done in conjunction with DEP, we just don't know.

Mr. Ballantine commented that one of the benefits of the Board supporting this would be that the Town could negotiate an agreement. He wondered if we could say that if the project couldn't meet net zero nitrogen that it falls apart. Attorney Singer responded that because this project is more than 10,000 gallons per day of flow, it will require a discharge permit from DEP.

Mr. Ballantine stated that one of the comments that we have heard is the lack of community discussions. He asked if they have had a chance to meet with the abutters regarding their concerns. Attorney Singer responded that they held a community meeting with abutters months ago. Mr. Bush has spoken to different neighbors regarding their concerns. They have every intention to continue community outreach. A lot of concerns that they are hearing is that neighbors would like to see the density cut in half, which Attorney Singer stated would not work for this project. They are open to having meetings to discuss lighting, rentals, landscaping, etc.

Ms. Anderson appreciates the work that the applicants have done since the last meeting. She asked why some of the leases run for 10 months. Ms. Anderson also wanted to confirm that the applicant is proposing heat pump technology. Brian Bush was present and responded that 10-12 months for leasing is based on seasonality and when there is the most rental demand. As far as electric heat, the newest heating technology is electric heat pumps which are efficient and cost effective. They have used heat pumps in their projects for the last 4-5 years.

Ms. Kavanagh thanked the applicant for all of the work that they have put in and stated that she likes the addition of the 8 extra work force housing units. She asked if the applicant has any idea of what the average electric bill would be. Mr. Bush was not able to provide a number but did state that the worst electric bill in the coldest month for a 2 bedroom unit would probably be a couple hundred dollars a month. He added that they have not had anyone move out of their buildings due to the heating technology. Ms. Kavanagh added that on the Cape, we don't have the electrical bargaining power like they do off-Cape. At one point, the Cape was 2<sup>nd</sup> to Hawaii with electrical rates, which is why she has concerns about the rates, in addition to the high rental rates. Ms. Kavanagh also had questions about parking and asked if they have given any consideration to losing the underground parking and then seek a variance for parking, which would lower the height of the building. Mr. Bush responded that in order to lower the building, they would have to lose an entire floor or just build on the back half of the property. He added that on Cape Cod, covered parking is a big amenity. Attorney Singer responded that when you look at the topography on the site, yes the buildings are taller, but you will have very little visibility because of all of the proposed screening for the site.

Mr. MacAskill noted that his concern still relates to density adding that he cannot wrap his head around the rental rates. He does not see a 96 unit building fitting into the character of Harwich.

Mr. Howell stated that he largely agrees with most of the comments and has the same misgivings about the 40b process. Only in some sort of alternate reality do you get credit for as affordable units when only a small percentage of them are truly affordable. Mr. Howell also commented that he feels like a hostage with this process. If this were being done as a LIP request after the applicant had received approval from the State to release them from the Conservation Restriction that was imposed on the deed, he would feel differently. Mr. Howell does not feel that the Town should be used as a lever to create an opportunity like this. If things change at the State level, then it would be a different discussion.

Ms. Anderson thinks that it is worth it to have this many units in town. The applicant has addressed the environmental issues and the cost is the developer's burden. Ms. Anderson is very much in favor of this proposal, adding that it is a good step forward.

Ms. Kavanagh stated that she has struggled with this from the beginning. She feels that when you combine the number of units, rental rates, density, height of the building and the electric heat, that this project just does not help people in our community. She would like to see something to lower the costs that would help people in the community.

Mr. Ballantine agreed with the concern regarding the rental rates. Even with his reservations, Mr. Ballantine stated that he would support this request, but would like to see a work out of the final agreement.

Ms. Anderson does not feel that the developer would propose rates that they didn't think people would pay. She added that if people don't rent the units, then the rates will need to be lowered. She is not sure why the Town would be concerned about the market rates. Ms. Kavanagh agreed. Her real struggle is that we need rentals that people in our community can afford referencing that the market analysis extension to Plymouth and south of Plymouth don't exactly represent the numbers of Cape Cod. Ms. Kavanagh said that people will rent them annually but probably only to use for the summer. Ms. Kavanagh said the concern is the rents that people in this community can pay and that is her concern if our issue with housing is to help people stay and live then the question is can the people in our community pay those rents. We want people to be able to live and stay in our community. Ms. Kavanagh said that it isn't that she didn't think people could afford the rents but would the people in the community be able to afford the rents. She understand the affordable part of it but doesn't think that many in the community could afford the rents on the 96 units.

Attorney Singer stated that when you look at Cape Cod, there are people who make good salaries but unfortunately, they cannot afford to rent and they definitely cannot afford to buy. As they have said, the affordable rental rates are set by the Federal Government. He does understand that this will not be the property for everyone looking to rent. They do feel that this project will meet and serve a particular need and that it will succeed.

While Mr. Howell sees the need for housing, he would rather protect the process. Attorney Singer responded that no one is denying that there is a deed restriction on the property that will need to be amended, adding that times evolve and things change.

Mr. MacAskill commented that the applicant has been honest, accommodating and transparent throughout this process. If the project was different with less density, he would feel differently about this vote.

**Ms. Anderson moved that the Board vote to support the Local Initiative Plan for Chloe's Path affordable housing development, 2<sup>nd</sup> by Mr. Ballantine and denied 2-3-0 (Kavanagh, MacAskill & Howell opposed).**

**B. Discussion and possible vote to approve the proposed Local Comprehensive Plan (LCP) committee charge**

Town Planner Jon Idman was present. He provided a written document to the Board which is a solicitation to at large community members. At this point, he would like to have the document printed, posted on the website, advertised in the Cape Cod Chronicle and sent out via email to start the process of filling the committee.

Mr. MacAskill asked the Board if they want to review the applications or have them go through the interview committee. Mr. Ballantine responded that the applicants should be interviewed by the full Board.

Mr. Ballantine commented that it would be helpful to have a general timeline of we will expect from the committee and staff. He would like to see a clear end point that we are shooting for. Mr. Idman responded that it will likely be a 2 year process. In terms of expectations of members and work product,

he agrees with having a timeline, adding that information could be included in applicant's appointment letters.

Given the time of year, Mr. Idman recommended that applications be received by January. Ms. Anderson suggested a date of January 15.

Mr. Howell feels it will be important to have applicants who have been longtime residents and want to be part of the process. Mr. Idman reviewed the document provided.

**Ms. Anderson moved that the Board approve the proposed LCP committee charge and that it be published with resumes to be returned no later than January 15, 2022, 2<sup>nd</sup> by Ms. Kavanagh and approved 5-0-0.**

- C. Discussion and possible vote to approve the revised Monomoy regional agreement language as presented and request article be put on annual town meeting warrant

Monomoy Superintendent Scott Carpenter was present with School Business Manager Michael MacMillan.

Mr. Ballantine asked for Dr. Carpenter to review the numbers provided and to clarify the narrative. Dr. Carpenter responded that they have provided an assessment sheet to both towns that is based off of the votes of the last Town Meeting. They also provided an assessment sheet for the present year if they were to apply the recommended changes. Mr. MacMillan walked through the assessment sheets provided. Each town would pay for its own elementary school and the rest of the costs would be split up. Numbers are based on enrollment.

Ms. Kavanagh stated that when this was originally discussed the School Committee and Harwich Board of Selectmen were in agreement that it is fair and shows a good faith commitment.

Ms. Anderson commented that this is the right thing to do but doesn't think that this is the end of the story.

Mr. Howell stated that he is overwhelmed by the redlined document. Before the Board votes, he would like to see a public hearing held so everyone is aware of what the changes are. Dr. Carpenter agreed.

Mr. MacAskill asked if these documents have been sent to Chatham. Dr. Carpenter responded that they have been sent and had initial questions discussed at their budget meeting. Dr. Carpenter has requested a meeting with the Chatham Selectmen.

Dr. Carpenter stated that the School Committee met in August and voted on the redlined version to the regional agreement. Mr. Powers responded that the Board had talked about resuming a working group that would be assembled between the Town of Harwich, Town of Chatham and the school district to talk about the assessments.

Dr. Carpenter commented that one of the other fundamental areas that changed in terms of the budget is how capital projects are handled. This information is included in the redlined document.

Ms. Anderson thought that the subcommittee had agreed on everything that is being presented tonight. She asked if there is an advantage of the Board approving this tonight versus waiting until after having a public forum. Dr. Carpenter responded that he supports the vision of having a forum adding that the more people that are educated about the information, the better.



Mr. Powers stated that at the last meeting of the subcommittee it was decided that they were going to rely on the school committee to recommend a solution on the assessment. The school committee unanimously endorsed what is in section 9. The subcommittee did not focus on any other part of the agreement changes.

The Board agreed on the information provided in section 9.

The Board and Dr. Carpenter discussed possible dates for a public forum. Mr. Howell would like to make sure that the forum includes discussion on the entire redlined document. Mr. Powers suggested it would be appropriate to have the forum in early January and have it be a standalone meeting separate from the regulation Selectmen meeting schedule.

Mr. MacAskill asked if 2 separate warrant articles could be drafted, one for section 9 and one for the rest of the agreement. Dr. Carpenter responded that he thinks that would be possible.

Mr. MacAskill commented that he would count on Dr. Carpenter and Mr. Powers to put together language for the agenda. The Board agreed that they are ok with the process of drafting a warrant article for the funds and to schedule a public hearing for wording in the redlined document. A public forum date of January 4 was chosen.

Mr. MacAskill noted that correspondence was received from a resident that did not make it into the packet. He would like to be sure it is included in the public hearing packet.

- D. Discussion and possible vote to merge the Bikeways and Traffic Safety Committees and update the Committee Charge

Mr. MacAskill reported that this would not be discussed at tonight's meeting.

- E. Discussion continued by the Board on the Community Center Facility Committee

Mr. Ballantine provided a memo to the Board. He met with Carolyn Carey and Ralph Smith to discuss the workings of the committee. He then followed up and attended the next committee meeting. After discussions, Mr. Ballantine is recommending to have the committee remain as is.

Mr. Howell stated that there is no other committee that does their own member appointments. Applications and appointments should be going through the interview committee. Mr. Ballantine responded that they will be following that process going forward.

**Mr. Howell moved that the Community Center Facility Committee continue as it has with the sole change that members that are proposed by the committee be brought before the interview committee and then the Board of Selectmen for appointment, 2<sup>nd</sup> by Mr. Ballantine and approved 5-0-0.**

## **CONTRACTS**

- A. Discussion and possible vote to approve a contract with Specialty Vehicles, Inc. in the amount of \$378,257.00 for the purchase of a 2022 Life Line Emergency Vehicle as approved at the 2021 Special Town Meeting.

Ms. Anderson moved to approve a contract with Specialty Vehicles, Inc. in the amount of \$378,257.00 for the purchase of a 2022 Life Line Emergency Vehicle as approved at the 2021 Special Town meeting, contract to be signed by the Board of Selectmen, 2<sup>nd</sup> by Ms. Kavanagh and approved 5-0-0.

- B. Discussion and possible vote to approve a contract with VHB for on-call engineering services, including those associated with the MS4 Stormwater Permit requirements, not to exceed \$150,000.00

Mr. Powers stated that there is a hold on this contract. No discussion or votes were made.

- C. Discussion and possible vote to approve a contract with OpenGov for the purchase of e-permitting subscription and deployment in the amount of \$82,400.00

Ms. Anderson moved to approve a contract with OpenGov for the purchase of e-permitting subscription and deployment in the amount of \$82,400.00, contract to be signed by the Board of Selectmen, 2<sup>nd</sup> by Mr. Howell and approved 5-0-0.

Mr. Powers stated that 81% of this is being funded through a grant that was acquired over a year ago. Other funds being used were earmarked for Accela.

Ms. Kavanagh asked if this would allow for full permitting online. Town Planner Jon Idman was present and said that when all is said and done, we hope to have 100% of Building Department permitting online with the hope of including Health, Conservation and some kind of permitting for Planning and Zoning.

#### **TOWN ADMINISTRATOR'S REPORT**

No Town Administrator's report was discussed.

#### **SELECTMEN'S REPORT**

Ms. Kavanagh reiterated comments made by Ms. Williams and Mr. McManus during public comment.

Ms. Anderson commented on the great Veteran's Day ceremony that was held.

Mr. Howell stated that there was an article in the Cape Cod Chronicle last week that pertained to the Affordable Housing Trust. The article cast all kinds of aspersions that the meeting was pretentious. There were legitimate questions that were asked during the meeting and comments made by a CPC member were absolutely fabricated. The comments were surrounding the Harwich Junior Theater property on Sisson Road. Mr. Howell closed out by saying that there was never a plan to build anything on the property in the spring.

Sharon Pflieger was present and asked that the school related documents and any documents that will be used for the public forum be posted on the town website.

#### **CORRESPONDENCE**

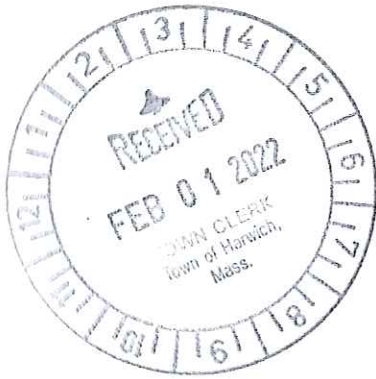
No correspondence was discussed.

#### **ADJOURNMENT**

Board of Selectmen  
November 15, 2021

Mr. Howell moved to adjourn the meeting at 8:04 p.m., 2<sup>nd</sup> by Ms. Anderson and approved 5-0-0.

Respectfully submitted,  
Jennifer Clarke  
Recording Secretary



APPROVED

RELEASED

**MINUTES  
SELECTMEN'S MEETING  
MONDAY, OCTOBER 4, 2021  
5:30 P.M. - EXECUTIVE SESSION  
6:30 P.M. - REGULAR MEETING**

**SELECTMEN PARTICIPATING:** Michael MacAskill, Larry Ballantine, Donald Howell, Mary Anderson & Julie Kavanagh

**ALSO PARTICIPATING:** Town Administrator Joseph Powers

**CALL TO ORDER**

Chairman MacAskill called the meeting to order at 5:30 p.m. beginning with Executive Session.

**Ms. Anderson moved that the Board of Selectmen enter into Executive Session to discuss the items as listed below, 2<sup>nd</sup> by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Mr. Ballantine, Mr. Howell, Ms. Anderson & Ms. Kavanagh voting aye by roll call.**

**EXECUTIVE SESSION**

- A. Executive Session pursuant to G.L. c. 30A, sec. 21(a)(2) to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel
- B. To Review Status of Litigation Involving the Town and strategy with respect thereto, The Chair has determined that discussion of litigation matters in open session may have a detrimental effect on the litigation position of the Town. The following cases will be discussed; Collins, et al. v. Orsini & Town of Harwich Zoning Board of Appeals, et al.; Cuddy, Trustee v. Harwich Planning Board; Cuddy, Trustee v. Town of Harwich, et al.; Ember Pizza, Inc., and Port Restaurant; 3137, LLC, et al. v. Town of Harwich, et al.; Ember Pizza, Inc., et al. v. Town of Harwich, et al.; Ember Pizza, Inc., et al. v. Town of Harwich and ABCC; Hall's Path Enforcement; Gomes v. Chief of the Harwich Police Department; Jones v. Harwich Board of Health and Town of Harwich; King and James M. Kelly v. Harwich Conservation Commission; King and Kelly v. Walter Diggs et al. and the Harwich Conservation Commission; McCourt, et al. v. Town of Harwich Zoning Board of Appeals, et al.; Novak v. Town of Harwich Conservation Commission; Rego, et al. v. Harwich Zoning Board of Appeals; Stevens Wequasset Trust v. Harwich Conservation Commission; Walsh Brothers Building Company, Inc. et al. v. Harwich Conservation Commission, and Town of Harwich; Watkins, et al. v. Town of Harwich, et al.; Winston and Plunkett v. The Planning Board and the Royal Apartments LLC, et al.; Wise v. Harwich Planning Board; Eldredge, et al. v. Town of Harwich, et al.; Donald V. Holt, III v. David J. Guillemette, Harwich Police Chief; Fratus, Jr. v. Harwich Board of Selectmen; Viprino v. Chief of Police; Viprino v. Town of Harwich

Mr. MacAskill called the Board back to order. During Executive Session the Board was given an update from Town Counsel regarding ongoing litigation. The Board did not discuss strategy sessions due to lack of time.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

Mr. Powers stated that the Cape Cod Regional Technical High School will be having a ribbon cutting ceremony on October 8, 2021 for the new school.



APPROVED

The Health Department will be hosting drive thru residential flu clinics on October 13 & October 18, 2021 from 1:00-3:00 at the Harwich Community Center. More information can be found on the Town website.

A. Veterans Day Ceremony November 11<sup>th</sup> at Island Pond Cemetery

An in-person Veterans Day Ceremony will be held at 11:00 a.m. on November 11, 2021 at Island Pond Cemetery.

Mr. Howell stated that there will be a joint meeting with the Selectmen and Community Preservation Commission to walk the Marceline property. This is an off-site meeting for the boards and no deliberation will be had.

**CONSENT AGENDA**

A. Vote to approve a Caleb Chase request in the amount of \$565.21

**Ms. Anderson moved to approve a Caleb Chase request in the amount of \$565.21, 2<sup>nd</sup> by Mr. Howell and approved 5-0-0.**

**OLD BUSINESS**

A. Presentation by Attorney Amy Kwesell, KP Law, on M.G.L Chapter 40B on the Local Initiative Program (LIP) as they are relative to Board of Selectmen

Attorney Amy Kwesell from KP Law was present to provide the Board with a presentation on 40b's Local Initiative Program. The applicant of Chloe's Path is asking for the town to go in on an application for 40b with the developer. The benefit of a LIP to the town is that there can be a memorandum of understanding (MOU) between the town and developer where the town can have certain factors, which is an added layer of protection for the town. The other aspect of a LIP is that the Department of Housing and Community Development (DHCD) will provide technical support to the town and developer. Before the town makes any movement towards entering into the agreement, Attorney Kwesell recommended that the town ask for background information, qualifications, past projects done by the developer, any past or present litigation that the developer is involved in regarding 40b's and a list of references. The town will also want to have the address of the project, project description including the number of units and bedrooms. Other good information to have would be conceptual design drawings, knowledge of the percentage of land that is being occupied by buildings and paved areas and a list of waivers. In her opinion, with a LIP, there should be clear benefits to the community and show the ability to meet other housing needs. The buildings should be energy efficient. The process for a LIP is that the developer starts with the Selectmen with their proposal. If the town agrees to sign on, the LIP would be signed by the municipality and developer and then submitted to DHCD.

Mr. Ballantine asked if there are any limitations of what can be in the MOU. Attorney Kwesell responded that it is a private contract between the Selectmen and the developer and with any private contract, anything can be negotiated.

Ms. Kavanagh asked if the town could push back and ask for a certain number of affordable and work force housing units. Attorney Kwesell again responded that it is a private contract and that anything can be requested. Ms. Kavanagh asked if we have leeway with screening and height. Attorney Kwesell confirmed that we do.

Ms. Anderson wondered if preference for Harwich residents could be put in the MOU. Attorney Kwesell responded that in her opinion, local preference is something that DHCD flip flops on and we would have to check in with them before moving forward. She does have a condition that she puts in her 40b decisions that says there shall be a preference for local residents provided that it does not impact developers financing or fair housing.



B. Discussion and possible vote to support the Local Initiative Program (LIP) for Chloe's Path Affordable Housing Development

Attorney Andrew Singer was present along with Peter Donovan & Garry Terry. Also present were Brian Bush, Jeffrey Bush, Kurt Rayber and Randy Hart.

Attorney Singer noted that this is their second session with the Board. They have submitted a significant amount of information at the first meeting and have provided supplemental information for this meeting. They feel that they have submitted everything that Town Counsel referenced in her presentation to the Board. With this project, they will be asking for 2 waivers. For any 40b, you will always need a waiver for density. Attorney Singer commented on the number of units, number of bedrooms, and layout of the affordable units and disbursement of the units around the property. Attorney Singer stated that the project as presented, complies with all Harwich dimensional setbacks as well as all building and site coverage requirements. The existing deed restriction will be honored and complied with as well. A preliminary traffic analysis has been submitted to the Selectmen and a full traffic study will be done as part of the Zoning Board of Appeals process. The project will also be complying with the MESA and NHESP restrictions that are on the property. As was discussed at the last meeting, a couple of the corners of the buildings cross the MESA boundary lines, so the applicant will be discussing an amendment to rearrange where the open space can be moved to. If MESA does not approve the amendment request, the project can be shifted in its design. According to Attorney Singer, there is no requirement under local law for any treatment of nitrogen. They are proposing an advanced treatment system to address the nitrogen.

Mr. MacAskill asked for clarification on the number of cars in the traffic analysis. Mr. Hart responded that the numbers provided are for peak day projections and comes from real data that has been collected in the field. The numbers provide in the analysis look at one hour of data in the morning and one in the evening during peak hours.

Mr. Ballantine feels that context is missing from the report. He asked what the traffic is now and what percent increase there would be from this project. Mr. Hart responded that the report is preliminary and that they would be completing a full traffic study. They will be looking at volumes on the street today versus what they are proposing to find out what the impacts of the project will be.

Ms. Kavanagh stated that summer traffic and the location of the property behind the Public Safety Building needs to be considered as well.

Mr. Ballantine asked to see on the map where the deed restricted property is located. Attorney Singer reviewed the map and added that there is an agreement that an old pump house on the property will be removed and plantings would be installed. He has met with the Conservation Administrator on site. All local permits have been granted to remove the pump house.

Mr. Howell asked if the road entering the complex would remain private. Attorney Singer clarified that the road would be considered a driveway and not a legal road. Mr. Howell wanted to confirm that maintenance of the road would rest with the private developer. Attorney Singer responded that it would be part of the management of the property.

Attorney Singer stated that the only 2 waivers that have been identified are for density and height and that even though the density is greater than what could be there, it will be better environmentally and will comply with town requirements for open space, building coverage and site coverage. As far as height, the project is a 3 story building with parking at grade under the building.

Attorney Singer briefly reviewed the plans that show the view of the complex from Sisson Road, one from the driveway and one from the Public Safety Building.



At the last meeting, team talked about their experience, the project description, site drawings, floor plans, coverage, waivers and public safety needs. They have met with Department Heads including Public Safety. At the end of the first session, there was a lot of discussion in the room about whether or not there is a need for this type of development in Harwich. The applicant feels that this is the right property for this project. In addition to the affordable and work force housing, there is a need for market rate rentals. The market rate units have been designed for income levels of \$69,000 through \$100,000. Attorney Singer did state that they can't speak to what the rents will be because the project is still 2-3 years away. The applicant feels that this project will help move the momentum to address the housing needs.

Attorney Singer closed out by thanking the Board of Selectmen for their time and hopes that the town will partner with the applicant to move the project forward.

Mr. Powers had questions about the market rate analysis materials that were provided. Mr. Bush talked about the benchmark rents noting that there is a pretty broad range.

Mr. Powers stated that the town is working on a project of sidewalks from center to center and commented that there are not sidewalks on either side of Sisson Road from the Cultural Center to Route 28. He wondered if a mitigation proposal could be that the applicant provide sidewalks in the area. Attorney Kwesell responded that in her opinion, sidewalks would be good mitigation.

Mr. Howell commented that work force housing is ill-defined by the state, adding that work force housing would be at the lower end of the market rate rentals. Under state law, affordable housing units are dictated by the area median income. The town has made it clear that there is an interest for affordable housing.

Mr. Bush commented that the range for affordable housing based on unit sizes can be different. In their analysis, there may be people who are attracted to a larger one bedroom unit versus a unit on the upper level.

Mr. Powers stated that the Board is going to have to base their decision solely on the materials that have been provided. If the Board is going to endorse this, they will then need to be able to sell it to the public. He feels that there needs to be more substance that the town can rely upon to show that this project will have more work force housing available.

The Board, Attorney Singer and the development team had a discussion on affordable units versus work force housing units.

Ms. Kavanagh commented that the documents provided talk about doing an expanded market analysis to include Plymouth and surrounding areas and thinks that we can all agree that the Plymouth area is not the Cape and that the analysis cannot be accurate using that information. Ms. Kavanagh agreed that the need for housing units is there and would like to see more of a local analysis of rents, true salaries and what is more affordable, before the Board can weigh in further. Mr. Bush responded that they expanded to Plymouth because there is no comparable product on the Cape to look at.

Mr. Howell stated that the step above affordable units are the work force units. He asked what the mechanism would be to say what number of units should be for work force. Attorney Singer responded that there is a need for housing for even the market rate units. Mr. Howell added that the public needs to understand the scenario of what people can afford in the market.

Mr. MacAskill referred to a LIP project in Brewster and asked where they got their rent information from. Mr. Bush responded that he is not sure where their data came from.

Ms. Kavanagh would like to see the applicant take a look at the collective survey of rents that has been done by the Cape Cod Commission. She went on to ask if the applicant would still be able to meet the site



coverage requirements if the parking was not under the building. Attorney Singer responded that they would likely exceed the site coverage.

Ms. Anderson stated that she assumes that the applicant will come back with clarity on what the rates are. She does believe that we need density. Ms. Anderson would like to make sure that all environmental concerns that were brought up at the last meeting are addressed. Attorney Singer responded that there will not be an impact to the wetlands. Creating a turtle habitat is on the deed restricted parcel to the South East. No town permits are required for the habitat and will be coordinated with NHESP. All other environmental regulations will be complied with.

Ms. Anderson also noted concerns that were brought up from neighbors regarding lights shining in their windows and how they would be addressed. Mr. Bush responded that he met with the neighbor who had concerns and informed them that their concerns would be addressed. As far as the neighbors' concerns about the impacts of cars on medical conditions, Mr. Bush stated that he would need someone with more of a science background.

Ms. Anderson asked if the applicant is under any current litigation for projects. Mr. Bush responded that they are not. Ms. Anderson added that she would be interested in talking about the MOU and the possibility of bumping up the number of affordable units.

Ms. Anderson has heard that the most successful housing developments have a property manager who lives on site. Mr. Bush responded that they won't necessarily have a property manager live on site, but that they will have someone on site 40 hours a week as well as 24/7 on call maintenance.

Mr. Howell wanted to confirm that the plan proposes one parking space per unit under the building. Mr. Bush responded that is correct and that there will be a total of 165 parking spaces on site. Mr. Howell thinks that it is unrealistic to think that residents here can rely on mass transit. Mr. Bush responded that parking is often something that is mandated by a town or city and that he understands that this is a car dependent community. If people can't park, they won't rent there and added that they are confident with the number of proposed parking spaces.

Mr. MacAskill stated that the Board is going to have another meeting for discussion and will allow the public to weigh in. They will then have a follow up meeting with Attorney Singer and the development team. Mr. MacAskill went on to say that he has talked to a lot of housing advocates and noted that housing is not just about density. He is not sure about the 96 units and would not vote to support this tonight.

Clara McLardy was present and stated that she recognizes that there are far more minimum wage jobs open than there are people to fill them. She thanked the Board in advance for representing the people of Harwich, noting that there is no simple one size fits all solution.

Kathy Klobridge was present and commented that she has been watching this project for years and went on to review the approvals that have already been given. She feels that it is a sad prospect for the property that has a lot of species on it. She is not sure why the town should trust and partner with someone who already hasn't done what they said they were going to.

Jay Coburn was present and reviewed the properties that the Community Development Partnership has worked on. He went on to make the point that this is a unique opportunity for the town to work with the developer and leverage private sector development at no cost to the tax payer. While some have expressed concern over the size of the project, he noted that small scattered developments are just not financially viable. Mr. Coburn encouraged the Board to work with the developer and take advantage of this opportunity.

Jay Walpole was present and lives right across the street from the development entrance. He provided a document regarding airway obstructive disorders and COPD, which his wife suffers from. Mr. Walpole



questioned the calculations regarding density. He also questioned the fact that the buildings would have electric heat and wondered why they aren't using the existing gas line on Sisson Road. In addition, he would like to see the applicant plan for electric charging stations. Mr. Walpole noted his concerns about the traffic coming and going from the complex.

Sandy McLardy was present and feels that the applicant's comments that the project will have no environmental impact are false and that we need to get into the numbers a little bit. Mr. MacAskill commented that we cannot have a discussion about science without scientists sitting at the table. Mr. McLardy responded that we are in a nitrogen crisis. Mr. MacAskill asked Mr. McLardy to forward his comments to the Board.

Karen Beatty was present and commented that there has been no further public community outreach from the development team. She feels that the proposed rental rates are out of touch with the community. Ms. Beatty thanked the Board for seeing the flaws in the numbers.

Elizabeth Harder was present and stated that in the MOU, she would like to see a requirement that the apartments be used year round. Another suggestion for the MOU would be that these units never be allowed to be converted into condominiums.

Peter Gorey was present and feels that this project is grossly oversized for this location. He would like to see the Conservation Commission and Planning Board hear this proposal as soon as possible as they were part of the original 7 home proposal. Mr. Gorey commented that we are sitting here because the applicant knows that this project will be an unfriendly 40b if they don't get the support for the LIP. This is the chance for the town to draw the line in the sand.

Attorney Michael Ford was present and represented Bob and Andrea Doane. The Doane's live on Forest Street and own one of the parcels that has been the subject of some of the back and forth tonight. Attorney Ford did confirm that there is a deed restriction on parcel b2 and that there was supposed to be a turtle program which was to be implemented by Mr. Donovan over the last 5 years. As of today, that has not been done. Attorney Ford provided the Board with a plan showing the building envelopes for the property. His argument again tonight is that the developer does not have the property rights to build where they are proposing. Until they have the proper rights, they should not be asking the Board for anything. He respectfully suggested that rather than wasting everyone's time and getting the neighborhood worked up, that the Board should tell the applicant that they need to have the property rights to do their project before continuing discussions.

Attorney Singer commented that when the meetings are scheduled, if there is going to be dialogue with the public, that the applicant be allowed to be part of it and vice versa.

#### C. Update on 2021 Harwich Special Town Meeting Warrant articles

Mr. Powers reminded the Board that we are 14 days away from the Special Town Meeting. This update is to inform the Board as it relates to Article 3, which has the headline regarding funding wastewater on Whidah and Continental Drive. There is an expectation that the motion will be to indefinitely postpone the article based on information received from the wastewater superintendent that CDM Smith has confirmed that they have the design documents available.

Ms. Anderson asked to make sure that this is communicated to the affected neighborhoods.

### **NEW BUSINESS**

#### A. Discussion and possible vote to approve Board of Selectmen Minutes for May 3, 2021

**Ms. Anderson moved to approve the Board of Selectmen minutes for May 3, 2021, 2<sup>nd</sup> by Mr. Howell and approved 5-0-0.**

Board of Selectmen  
October 4, 2021

B. Vote to approve Committee Appointments recommended by the Interview Committee:

1. Lynne Ellen Zalesak – Brooks Academy Museum Commission - Full Position - Term expires June 30, 2023
2. Francis Salewski – Bikeways Committee - Full Position - Term expires June 30, 2022
3. Jeff Brown – Agricultural Commission - Full Position - Term expires June 30, 2022
4. Noella Morrison - Treasure Chest Committee - Alternate Position - Term expires June 30, 2022
5. Eleanor Gerson – Treasure Chest Committee – Full Position – Term expires June 30, 2022
6. Marueen Davis – Treasure Chest Committee – Full Position – Term expires June 30, 2023
7. Cindy Beaulieu – Treasure Chest Committee – Full Position – Term expires June 30, 2024

Mr. MacAskill confirmed that these are all Harwich residents. The Board had a discussion about the person on the Treasure Chest Committee. Mr. Howell stated that the charter doesn't say that they must reside in Harwich, it says that there should be a preference to Harwich residents. Mr. Ballantine commented that he would reach out to the committee member.

**Ms. Anderson moved to approve the Committee Appointments as recommended by the Interview Committee, 2<sup>nd</sup> by Mr. Howell and approved 5-0-0.**

Mr. Powers stated that his staff will update the vacancy list and bring a copy back to the Board.

C. Discussion to rename the Harwich Energy Committee to the Harwich Energy and Climate Committee, along with amend the committee charge to reflect the realignment of the committee

A sample document from Chatham was included in the packet along with documents that Ed McManus had submitted.

Ms. Anderson commented that we are not going to solve the climate crisis in Harwich and that we might want to start more simply. Mr. Howell agreed.

Mr. Ballantine stated that he would not vote for this right now. When he sees terms like climate crisis, he feels that it becomes more of a political statement rather than an action statement. We need to have a rational discussion, with Mr. Ballantine added that he would go along with a more defined charge.

Ms. Kavanagh said that she was the liaison to the Energy Committee and would like to look at how we can incorporate them together.

The Board agreed that they would bring this back for future discussions.

D. Discussion and possible vote on the Harwich Affordable Housing Trust Housing Coordinator

A memo was provided to the Board in their packet. We have relied upon existing position descriptions in other towns and have modified them to be Harwich specific.

Ms. Kavanagh stated that she has no problem with this and that her only question would be, even with a full time person, could the budget handle it. A full time person would be more involved with the housing trust. Mr. Powers responded that this effort is a first start with the position that was funded. We have \$50,000 to fund the part time position. The Board could contemplate changing the position from part-time to full-time.



Mr. Ballantine is not sure how any one person could do all of the work. He suggested maybe reviewing it and pulling out the top priorities to make it more doable. He asked for clarification on the basis of the salary, which Mr. Powers answered.

If the Board endorses this tonight, then Mr. Powers will have the ability to make arrangements to get it moving, while working with the Board.

Mr. Howell commented that there is nothing here that hasn't already been going on with the housing trust. Over the last year, they were relying on a trust member to complete the deal with the Marceline property. The person will not be on their own, but will be the glue that holds everything together.

Elizabeth Harder was present and requested that the title of the position be changed. It implies that the responsibility is only to the affordable housing trust, while in the description it says that they are supposed to work with other committees included the community preservation committee.

**Ms. Anderson moved to create the Harwich Housing Coordinator position, 2<sup>nd</sup> by Mr. Howell and approved 5-0-0.**

- E. Discussion and possible vote to amend the personal bylaws to reflect the position of Affordable Housing Coordinator

**Ms. Anderson moved to amend the personal bylaws to reflect the position of Affordable Housing Coordinator, 2<sup>nd</sup> by Mr. Howell and approved 5-0-0.**

- F. Discussion and possible vote on the Request for Proposal for a Title Examiner

Mr. Powers reported that he has nothing specific to report. Mr. MacAskill stated that we will bring this back next week. The goal on this is to go out to bid to get a title examiner for Harwich to clean up owners unknown properties and miscellaneous parcels.

Ms. Anderson stated that she is all for this request but would like to see the Brooks Park lighting project be finished before any other RFP's go out.

- G. Discussion and possible vote to establish Town Administrator goals and objectives for Fiscal Year 2022 and complete evaluation form

Mr. MacAskill stated that rather than doing broad goals, he thinks that one of the most important goals is to finish everything that we have started. Mr. MacAskill reviewed the goals.

Mr. Powers commented that both the Selectmen and he have agreed to extend the existing contract. For him, he likes the simplicity of the goals themselves and the ability to bring other parties into it. He would be overseeing the goals and relying on his direct reports and their direct reports to assist in completion.

Mr. Howell stated that this finally gets us to the point of seeing the goals and objectives that need to be aligned to the job description and how well you do your job. He is supportive of the approach as presented.

Ms. Anderson agreed that she likes what is being presented however she would like to see personnel management under objectives.

Ms. Kavanagh commented that she has always been in favor of having a separate person allotted to personnel. She is happy to see a streamlined form.

Mr. Ballantine agreed. He added that he would like to see a comprehensive wastewater update.

Mr. Howells concern is that if all things are equal worth in point values. He is more in favor of certain things being weighted factors.

Mr. Powers stated that for him, this form works for him in both the short term and in the future.

**Ms. Anderson moved to approve the goals and evaluation form as presented, 2<sup>nd</sup> by Ms. Kavanagh and approved 5-0-0.**

H. Discussion and possible vote to approve the Green Communities Competitive Grant Program

**Mr. Ballantine moved to approve the Green Communities Competitive Grant Program, 2<sup>nd</sup> by Mr. Howell and approved 5-0-0.**

I. Discussion and possible vote approve Special Counsel to Harwich Affordable Housing Trust

Mr. Howell stated that the trust did ask the Selectmen to appoint special counsel for all matters pertaining to the acquisition of the Marceline property. Robinson and Cole was used and the trust is urging the Board to continue that relationship.

Mr. MacAskill wants to make sure that we are not hiring special counsel to fight with town counsel on land documents.

**Mr. Ballantine moved to approve special counsel to Harwich Affordable Housing Trust, 2<sup>nd</sup> by Ms. Kavanagh and approved 5-0-0.**

#### **TOWN ADMINISTRATOR'S REPORT**

No town administrators report was discussed.

#### **SELECTMEN'S REPORT**

Ms. Kavanagh reported that the Witches on the Water event raised over \$18,000 for The Family Pantry.

Ms. Anderson stated that she met with the Affordable Housing Committee last week. They feel in order to really get going, that a joint meeting is needed with the Affordable Housing Trust, Selectmen and Affordable Housing Committee.

On Friday, Ms. Anderson, Ms. Kavanagh and Mr. Powers attended the Fire Chief's ceremony. They did a great job of recognizing the fire staff individuals. She asked that a letter of recognition be sent from the Selectmen.

#### **ADJOURNMENT**

**Ms. Anderson moved to adjourn the meeting at 9:45 p.m., 2<sup>nd</sup> by Mr. Howell and approved 5-0-0.**

Respectfully submitted,  
Jennifer Clarke  
Recording Secretary

Board of Selectmen  
October 4, 2021