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**MINUTES
SELECTMEN'S MEETING
TOWN HALL
MONDAY, JANUARY 23, 2023
5:15 P.M. – EXECUTIVE SESSION
6:00 P.M. - REGULAR MEETING
REMOTE PARTICIPATION OPTIONAL**

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

ALSO PARTICIPATING: Joseph F. Powers

CALL TO ORDER

Mr. MacAskill called the meeting to order at 5:17 p.m.

Mr. Howell moved that the Board of Selectmen going into executive session to conduct strategy sessions in preparation for negotiations with non-union personnel and to conduct contract negotiations with non-union personnel, and will reconvene in open session, 2nd by Ms. Anderson. The vote was 4-0-0 with Mr. MacAskill, Mr. Ballantine, Ms. Anderson and Ms. Howell all voting aye by roll call.

EXECUTIVE SESSION

A. Pursuant to G.L. c. 30A, sec. 21(a)(2) to conduct strategy sessions in preparation for negotiations with non-union personnel and to conduct contract negotiations with non-union personnel

Mr. MacAskill reported that no decisions were made in executive session.

PUBLIC COMMENTS/ANNOUNCEMENTS

Mr. Powers stated that he learned a long time ago that the best speakers were those that were good people speaking well. Mr. Powers acknowledged that he did not meet that standard last week at the Affordable Housing Trust meeting and for that he apologized. Mr. Powers apologized to the trust, participants present, Board of Selectmen and to the residents and citizens of Harwich. Mr. Powers regretted the matter in which he conducted himself and in the manner in which the meeting was lead. He promised to do the thing that has always strived to do and that is to simply do better.

Richard Waystack was present and commented that he came before the Board a couple of weeks ago talking about the upcoming Harwich Housing Huddle that will be held on February 1 at 8:30 a.m. at 204 Sisson Road. Mr. Waystack invited the Board and anyone in the community who has an interest in saving the locals and housing in the community to attend. Mr. Howell asked staff to

make sure that this is posted as a Board of Selectmen's meeting just in case 3 or more members are present and make comments. Mr. Powers noted that staff would work on that.

Chief of Police David Guillemette was present to review information as provided in the packet. One of the individuals as presented in the packet has made the decision to withdraw from the process. Amber Grass was present and Chief Guillemette reviewed her education history and noted that she was one of the community service officers that has walked Main Street. Chief Guillemette stated that he is very existing to have her standing as an applicant and that Ms. Grass is ready to start the Police Academy on February 6.

Mr. Howell stated that Ms. Grass is a person of high character and extraordinary vision about what is right and wrong and that it is wonderful to have her in the community.

Mr. Ballantine and Ms. Anderson and Mr. MacAskill welcomed Ms. Grass.

A. Committee Vacancies

Ms. Anderson read the list of committee vacancies. Mr. MacAskill added that residents can apply for a committee, even if there isn't an existing vacancy.

Harwich Chamber of Commerce Executive Director Cyndi Williams was present. She stated that they are partnering with the J1 Group, Pastor Matt and his wife Katherine to help acclimate the J1 students that come to work in our businesses and live in our community.

CONSENT AGENDA

- A. Vote to accept the committee resignation from Joseph McParland, Harwich Housing Committee
- B. Vote to approve the Chief of Police's appointment recommendation of two Student Officers

Mr. Howell moved to appoint the consent agenda with the note that item B is for the recommendation of one student officer, 2nd by Mr. Ballantine and approved 4-0-0.

NEW BUSINESS

- A. Discussion on a resident request pertaining to town owned property located at 86 Queen Anne Rd

Jeff Locantore is a long-time resident of Harwich who has been trying to build housing for adults with disabilities. The Board reviewed the email correspondence from Mr. Locantore as provided in the packet.

Mr. Howell stated that it got to the point where Mr. Locantore and his group did not have any kind of commitments for land or any money raised. The housing trust started trying to find a space on Oak Street, which did not work out. Community Preservation Committee did not want to give

any money if a project was not yet a project and did not have any land. This is one of those situations where you wish you could help, but you can't figure out how. If there was another way in getting this group into congregate housing, most of the housing trust members would be in favor.

Mr. MacAskill noted that the email from Mr. Locantore was requesting a piece of land that he found at 86 Queen Anne Road. Mr. Powers went on to review the reply that he sent to the email request. The trust knows that Mr. Locantore has been working on this project for over 2 years and that it has been a labor of love to get this done. Mr. Powers has explained to Mr. Locantore that a property would have to first be declared as surplus by the town. If declared a surplus and the town doesn't have a plan for use of the land either through the trust or any other town agency, then the RFP process would need to be followed. There will never be an opportunity for the Board of Selectmen, the trust or the town to simply give a parcel away because the town is obligated to follow the procurement laws.

Ms. Anderson stated that she feels for Mr. Locantore and that he has done a good job of organizing the non-profit. She added that Mr. Locantore needs to do some fundraising to get money to get into the game, and that she is not sure that has happened yet.

Mr. Howell said that Ms. Anderson is correct and that money will need to be raised by the non-profit to be able to move forward.

Mr. MacAskill asked if the Board would have an issue with him communicating this conversation to Mr. Locantore. No issues were stated.

B. Update from Paul Halkiotis, Director of Planning and Community
Development on future zoning amendments

Paul Halkiotis was present and stated that he wanted to discuss the schedule going forward for Annual Town Meeting with the hope of trying to establish a couple of goals for what we want to do in terms of amendments for zoning bylaws this year. The process is a little late this year because Mr. Halkiotis only started employment with Harwich in December, but he stated that he does understand that there are a couple of priorities that need attention. Every few years, FEMA decides that it is time to make changes to the flood plain zoning regulations. Mr. Halkiotis has been involved in this process 4-5 times over the years. Staff has met with members from the Cape Extension Service who provided a working draft to move forward. Mr. Halkiotis stated that he has started to take a look at the draft to see how it can fit with zoning in Harwich. He suggested that would be the first amendment that is tackled for Town Meeting.

Mr. Ballantine asked if Mr. Halkiotis is looking at how our zoning can mesh with the defined flood zones. Mr. Halkiotis responded that FEMA does the flood plain maps and that historically they have not been the best. They issue draft maps and accept public comment on them. In the not too distant past, FEMA has rolled out new maps on the south shore, which triggered a lengthy appeal process. They issue maps and their maps are considered to be right unless you are able to prove that they are wrong. Mr. Ballantine followed up by asking if we would have to hire someone

to map the zoning, which would include building a budget expense going forward if we contemplate challenging their maps.

Mr. Halkiotis stated that next steps would be to hold a public hearing and reviewed the timeline for posting legal advertisements and holding the hearing. The read deadline is making sure that everything is completed before the warrant goes to press.

Mr. Ballantine asked if the maps link at all to our building codes. Mr. Halkiotis responded that you could say that they link, but that they are not supposed to overlap.

Ms. Anderson stated that she is gathering from the comments made, that Mr. Halkiotis feels that these changes are reasonable. Mr. Halkiotis responded that he has not analyzed them closely yet. He added that the mapping isn't optional. If the town doesn't adopt the zoning requirements from FEMA, the town could be removed from the member community list which would mean that residents would have to go to the open market to purchase property insurance.

Mr. Powers stated that he appreciates Mr. Halkiotis' efforts this far.

The Board agreed that Mr. Halkiotis should move forward with getting this on the town meeting warrant.

Ms. Anderson reviewed the request with respect to solar. There is an existing solar application on the corner of Lower County Road and Ships Haven which is a standalone solar tracker that turns and twists. The neighbors were appalled by this installation for several reasons and there was no way to prevent this from happening. Even though that they are stuck with this application in their neighborhood, the neighbors would like to see some kind of regulation for these installations. Mr. Halkiotis noted that it is important to say that we need to try and encourage renewable energy sources and that the state provides some protections to the facilities generating solar power so that the town cannot prohibit them, however we can figure out how to reasonably regulate them. When he reviewed the existing zoning code, Mr. Halkiotis found a bylaw that seemed to only focus on large commercial scale solar. There were no provisions or anything that addressed solar on the roof of buildings, whether residential or commercial. He thinks that our bylaw is lacking in covering the full range of types of solar installations that exist. He would be a good idea for the town to adopt regulations that regulate more than just the commercial side. Mr. Halkiotis also briefly talked about the big solar farms and he doesn't think that we will see a lot of them because of the value of the land. He suggested that he could go back and see how previous bylaws he has written have worked out and could put together a bylaw for Harwich if the Board thinks that it is important. He closed out by saying that we need to encourage solar energy but carefully regulate it so that it fits into the community.

Ms. Anderson noted another concern of the neighbors which is that the individual with the solar tracker also has solar panels on their roof. The neighbors believe that they were doing this to sell the excess energy back to the light company or other people. Ms. Anderson asked if that would be considered a commercial application. Mr. Halkiotis responded that he is not sure that we would want to go down that road. It is his understanding that there are all kinds of solar agreements out

there. While he has never read one of these agreements, he does understand that if there is excess, it can be sold back. Mr. Halkiotis also wanted it to be clear that if this structure was legally permitted by the town, then it would be grandfathered if some kind of zoning regarding solar is adopted.

Mr. MacAskill asked if it would be realistic to have something before town meeting. Mr. Halkiotis responded that it would be.

The last topic for discussion is related to accessory dwelling units (ADU) and zoning related to affordable housing. Mr. Halkiotis stated that he knows affordable housing is a big issue not only in Harwich but across the region. From what he understands, there is a lot of work going on across the cape in different towns where planners are working on various measures to try and promote affordable housing. Mr. Halkiotis has been involved in writing inclusionary zoning, which has been out there for a long time. He added that getting public feedback and input will be important. Because he has just started in this position, he is not comfortable putting together a bylaw at this point to address these areas but added that he can start working on it after May town meeting.

Mr. Ballantine stated that he would like Mr. Halkiotis to sort all of this information through and list out different categories that are being discussed, noting that zoning is always a difficult discussion topic. Mr. Halkiotis stated that he has met with the Harwich Housing Advocate and that they are going to start to work on items together.

Mr. Howell commented that an inclusionary bylaw was torched at a previous town meeting and added that it doesn't work. Harwich already has an ADU bylaw which needs to be jointed with a mechanism of talking to people about buying things down. Mr. Howell would be interested in picking a couple of items that can quickly move forward. Mr. Halkiotis responded that it will take a willing property owner to match up with the town.

Ms. Anderson stated that all of this has been put into perspective for her when she is reminded that Mr. Halkiotis just started in Harwich in December. She would like a list of the things that he thinks he could accomplish for next year, understanding that we are 99 days away from town meeting.

Mr. MacAskill said that one thing that both he and Ms. Kavanagh have talked about is making some progress for May town meeting to change some of the language in the existing ADU bylaw, noting that we seem to be getting hung up on the 40,000 square foot lot size requirement. Mr. MacAskill has had several people contact him who fall just short of the land requirement. Mr. MacAskill feels that this could be a very easy language change. Mr. Halkiotis responded that the ADU bylaw is very reasonable and is less restrictive than in most communities. If it is a minor language change, he noted that he could put together a draft article.

Richard Waystack was present and again invited people to attend the Harwich Housing Huddle on February 1, 2023. Mr. Waystack thinks that the ADU bylaw is great, but the lot size is not working for a lot of people. He asked Mr. Halkiotis to drive around the Harwich Port campground and look at the size of the lots versus the size of the houses on them. Mr. Waystack feels that an

amendment to the ADU bylaw is something that could and should be on the May town meeting warrant.

Mr. Howell reminded everyone of the cluster subdivision period and to bear in mind that we are dealing with a number of self-inflicted wounds here that need to be corrected. Mr. Halkiotis responded that he understands that the cluster lots sizes are smaller.

Ms. Anderson said that she had attended a previous housing meeting where ADU's were being discussed and that it was suggested that instead of square footage or lot size, that the look at the number of bedrooms as the determining factor. The number of bedrooms would have to stay within the septic capacity.

Mr. Powers noted that the topics that have come forward will require a public hearing(s) and noted that the Planning Board will be meeting on February 28. Mr. Halkiotis responded that he has not written any public hearing notices yet, but will be meeting with the Planning Board tomorrow night and will confirm information and report back to staff and the Selectmen.

C. Vote to hold the First Reading, per Board of Selectmen Policy on Policy Development, to amend the Board of Selectmen policy on remote participation

In the packet is the latest draft with the suggested subtractions and additions. Mr. MacAskill would like to have the first reading next week and a second reading at the following meeting.

Mr. Ballantine asked if we need to have the 5 reasons for remote participation in the document. Mr. MacAskill responded why not list a reason instead of making it an open policy. Mr. Ballantine feels that it is redundant to list the reasons.

Mr. Howell appreciated Mr. Ballantine's comment and noted that reason # 5 is a very important one. There are many reasons why someone might not be able to make it to a meeting.

Ms. Anderson stated that she does not have a strong feeling either way and added that if the language isn't harmful, that maybe it should be left in the document.

The consensus of the Board was that the first reading will be held at their January 30 meeting.

Mr. Powers stated that staff has been working with Ms. Anderson and there are strikethroughs that are being suggested in the current policy. Both documents as provided should be taken in concert with the understanding that what is being read the first time is the document labeled as proposed.

D. Vote to approve the 2023 Class II and Class IV Auto license renewal – Bassil Brothers Inc. d/b/a United Gas – 570 Route 28

Mr. Howell moved to approve the 2023 Class II and Class IV Auto license renewal – Bassil Brothers Inc. d/b/a United Gas – 570 Route 28, 2nd by Ms. Anderson and approved 4-0-0.

E. Vote to approve a Hall of Fame late submission for Charles A. Hall,
nominated by Leonard Kalback

Mr. MacAskill reviewed Mr. Hall's military service history and his employment with the town until his retirement in 1979.

Mr. Howell noted that the Hall of Farm was created to recognize the characters who made the town the way that it is today. It wasn't set up with a deadline so that people couldn't be appointed. He feels that this submission is qualified and would be great.

Ms. Anderson feels that Mr. Hall is very qualified for the Hall of Fame and was a little surprised that it was not done before now, but that now is a good time for it.

Richard Waystack was present and asked if there is a deadline for submissions. Mr. MacAskill responded that the Board's policy is November, which is why the phrase "late" ended up on the agenda. Mr. Waystack said that he has 2 other nominations that should be brought forward and asked if he could submit them to Mr. MacAskill for review. Mr. MacAskill responded that the nominations can be submitted and that the Board would vote on them.

Mr. Howell moved to approve a Hall of Fame late submission for Charles A. Hall, nominated by Leonard Kalback, 2nd by Mr. Ballantine and approved 4-0-0.

F. Update from Selectmen Howell on Cape Cod and Islands Water Protection Fund

Mr. Howell stated that he has had people calling him to ask why Harwich has not received any of this funding. Mr. Howell reported that this is not true and that we received funding so early that it is not reflected in the annual report. The good news is that we had to have a Comprehensive Wastewater Management Plan (CWMP) approval done by the state in order to qualify Harwich for any funding. Mr. Howell said that when you have an actual project, that there needs to be an intended use document. The whole point of the water protection funds board was always to try and distribute equally around the Cape everything that was needed. Harwich is scheduled to receive approximately 5 million dollars total and has already received 2.7 million dollars in 2 disbursements. The confusion may lay with the fact that our treasurer's office isn't going to necessarily going to recognize these funds when they are distributed. Harwich has a certain amount that we owe that is qualified, that we have already borrowed. After approved, the town is not sent a check, but instead the note that we have with the state is bought down.

Mr. Ballantine said that one of our goals has been to try and have a flat debt curve going forward, adding that this does make it a little difficult to track.

Mr. Howell stated that he was one of the 5 members on the bylaws and regulations committee and fought very hard to make sure that everyone all around the Cape got their fair share. That battle was fought and won so that every town will receive something on a rotating basis. Mr. Howell reported that there was a previous proposal to eliminate the bylaw and regulations

committee and fold it in with the executive committee to make it more powerful. No movement has been made on this move and it has been tabled for now.

Mr. Ballantine noted that the reports were interesting to him. He added that at the Massachusetts Municipal Association (MMA) meeting, they were able to make points to the new Lt. Governor on how expensive the wastewater project is and if they could assist on our behalf. Representative Peake did offer to try and get some participants together and have a discussion with DEP. The feeling was that there was not a lot of thought put into the new regulations. Mr. Ballantine asked Mr. Howell if there has been any discussion of the fund in helping our households that need to connect to sewer. Mr. Howell stated that the management board did go on record stating that funds need to be replenished and that some ARPA money was put towards the fund at the county level.

Ms. Anderson noted that suggestions were made that our water/wastewater Superintendent Dan Pelletier be part of any group or committee that meet with DEP.

Mr. MacAskill stated that it is pretty impressive of what the outcome to date of the fund is and how strategic they are of what they allow to come out of it so that the fund always remains a good investment and a high yield investment.

G. Discussion – Early Childhood Education

Mr. MacAskill stated that this topic would be brought back next week when Ms. Kavanagh is present. Additionally, he asked that information for the human services grant relative to early childhood education be provided in next week's packet.

H. Discussion on proposed request for Board of Selectmen approval of a disclosure form submitted by John Ketchum, Member of Community Preservation Committee

John Ketchum was present. Mr. Ketchum's request and associated information was provided in the Board's packet.

Ms. Anderson asked for clarification on the last paragraph of the request. Mr. Ketchum responded that he lives on Skinequit Pond and that he is a member of the Community Preservation Committee (CPC) as well as the newly appointed Chair of the Conservation Committee. He is stating that he will not participate in any discussions or voting in matters related to Skinequit Pond. Mr. Ketchum is requesting that the Board of Selectmen agree that he can participate and vote on all other matters coming before the CPC this year, unrelated to Skinequit Pond. Mr. Ketchum is also involved with WASH, Watershed Association of South Harwich, who have been involved in various items related to the pond.

Mr. MacAskill made it clear that to recuse himself, Mr. Ketchum needs to get out from behind the table and should leave the room.

Mr. Powers stated that when this request was brought to Administration and the Town Clerk's Office, the Town Clerk sought the opinion of Town Counsel. Were anyone to complain about the ethics portion of this, they would seek the information on file with the Town Clerk's Office and then work with the state ethics office. Mr. Powers went on to review the specific language that counsel has recommended be put on the agenda for a vote.

Mr. MacAskill asked Mr. Ketchum if he would have an issue with the Board voting on this next week so that the agenda reflects the correct language. Mr. Ketchum had no objections.

CONTRACTS

- A. Vote to authorize the Chair to execute the Fiscal Year 2022-2023 regional Community Development Block Grant application (CDBG Grant) for housing rehabilitation and childcare subsidies

Mr. Howell moved to authorize the Chair to execute the Fiscal Year 2022-2023 regional Community Development Block Grant application (CDBG Grant) for housing rehabilitation and childcare subsidies, 2nd by Ms. Anderson and approved 4-0-0.

- B. Vote to approve a contract with Bartlett Consolidated LLC not to exceed the amount of \$421,259.78 for the supply and installation of guardrails as outlined in the scope of work.

Mr. Ballantine asked for further explanation on this request. Mr. Powers responded that the short answer is that this is part of the winter recovery assistance program and that the state will be matching the dollar amount. During the winter, our guardrails are damaged during snow removal. This is an allowable expense and funding can be used for this project.

Mr. Howell moved to approve a contract with Bartlett Consolidated LLC not to exceed the amount of \$421,259.78 for the supply and installation of guardrails as outlined in the scope of work, 2nd by Mr. Ballantine and approved 4-0-0.

- C. Vote to approve a contract with R.A.D. Corporation d/b/a RAD Sports in the amount of \$78,601.00 for the replacement of fencing at Brooks Park.

Mr. Howell moved to approve a contract with R.A.D. Corporation d/b/a RAD Sports in the amount of \$78,601.00 for the replacement of fencing at Brooks Park, 2nd by Ms. Anderson and approved 4-0-0.

TOWN ADMINISTRATOR'S REPORT

Mr. Powers announced that he attended the 44th annual business meeting of the Massachusetts Municipal Association and Trade Show, which he found to be energizing. He took satisfaction in attending and learned a lot.

Mr. Powers briefly reviewed the latest version of the sources and uses table as provided in the packet. The budget will be presented to the Selectmen at their meeting on February 6. According to the charter requirements, that budget will then need to be delivered to the Finance Committee within 2 weeks of receipt. The Finance Committee has until March 31 to make their recommendations on the budget and warrant articles. We are hoping for a joint meeting date of Saturday, March 25.

A. Update from the Town Administrator on a hearing date for the Judah Eldredge property

Mr. Powers stated that we were not able to complete the notice for the hearing, so the dates will need to be pushed out. We are now running into the questions of the value or appraisal of the property. Mr. Powers stated that Town Meeting in 2018, under article 55, appropriated \$369,000 for this. There was also an expectation back then that the town was going to pursue a grant program that the state was offering related to projects such as this. Administration has not been able to find any record that the town ever pursued that grant and is currently working with town counsel. Mr. MacAskill stated that this topic would be on next week's agenda for an in-depth discussion.

SELECTMEN'S REPORT

Ms. Anderson, Mr. Howell and Mr. Ballantine found the MMA conference very valuable.

Mr. Ballantine found interesting a discussion that was had had regarding what kinds of flags the town can fly. He doesn't think that most towns have a policy regarding this. The subject then turned to bylaws versus policies. Other discussion was had regarding citizens petitions. Sometime in the past, when the town has received citizen's petitions, we have asked Town Counsel to review them, not to change their meaning, but to make sure that they are written properly. Mr. Ballantine feels that there is an advantage for the citizen's petitions to be reviewed. Mr. MacAskill responded that this topic can be brought back for future discussion.

CORRESPONDENCE

A. Financial documents from the January 9, 2023 Board of Selectmen Meeting

No discussion took place.

ADJOURNMENT

Mr. Howell moved to adjourn the meeting of the Board of Selectmen, 2nd by Ms. Anderson and approved 4-0-0.

Respectfully submitted,
Jennifer Clarke
Recording Secretary