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MINUTES  
SELECTMEN'S MEETING  
TOWN HALL  
GRIFFIN ROOM  
MONDAY, JANUARY 24, 2022  
6:30PM REGULAR MEETING  
REMOTE PARTICIPATION OPTIONAL

RELEASED

**SELECTMEN PARTICIPATING:** Michael MacAskill, Julie Kavanagh, Larry Ballantine and Donald Howell. Mary Anderson attended remotely.

**CALL TO ORDER:**

Chairman MacAskill opened the Board of Selectmen's meeting for January 24, 2022 at 6:30PM. He invited attendees to join him in saying the Pledge of Allegiance.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

Mark Dennen of Mid Pine Drive, West Harwich spoke about a disaster plan which Harwich calls the Hazard Mitigation Plan which does not cover the electrical grid. Mr. Dennen described how they could be compromised and how devastating the loss of the grid would be. He noted statistics on ages of residents, food supplies etc. He suggested the town needs to update the 2017 Plan and needs to consider grid loss, not wait for a crisis and then construct a plan, People need to be educated on how they can save themselves. He offered examples of events when electrical grids were damaged and the results.

Mr. MacAskill asked Mr. Dennen to send his contact information to the office.

**CONSENT AGENDA**

- A. Vote to approve a Caleb Chase Request in the amount of \$988.60
- B. Vote to approve a Caleb Chase Request in the amount of \$951.45
- C. Vote to approve Officer Robert Hadfield to Special Police Officer of the Harwich Police Department upon his retirement
- D. Vote to approve Chief Guillemette's recommendation of a promotion from Officer to Sergeant
- E. Vote to authorize the Chair to sign two step increases for the Harwich Fire Department
- F. Vote to approve the Board of Selectmen Meeting Minutes
  - 1. March 9, 2021
  - 2. January 19, 2021
  - 3. January 26, 2021
  - 4. August 23, 2021

Ms. Kavanagh moved to approve the Consent Agenda as presented, 2nd by Mr. Howell

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Chief David Guillemette spoke about Robert Hadfield and gave a history of his service and accomplishments.

Mr. Howell complimented Officer Hadfield and mentioned how much he'd be missed.

Mr. Ballantine also applauded Mr. Hadfield's dedication.

Ms. Kavanagh offered more compliments and thanked him for his service.

Mr. MacAskill noted their friendship and thanked Officer Hadfield for everything he has done for this town.

Chief Guillemette spoke of the promotion from patrolman to sergeant and the process involved. He recommended Officer Pete Patel to be promoted to Sergeant.

Ms. Kavanagh offered her congratulations.

Mr. Howell offered a story about Officer Patel and commented that he couldn't think of a better choice.

Ms. Anderson offered her congratulations.

Mr. MacAskill offered his congratulations.

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

### **NEW BUSINESS**

A. Joint Meeting with Real Estate and Open Space Committee - Discussion on owners' unknown and miscellaneous parcels

Elaine Shovlin Chair called to order the Real Estate and Open Space Committee of January 24, 2022, they do have quorum. Kathy Green, Jim Atkinson, Margot Fenn and Elaine Shovlin all voted aye by roll call. Ms. Shovlin referred to the information before the Board, two lists matching the tax lien spreadsheet with the Assessor's map. She reviewed the statistics of 325 acres and taxes due.

Margo Fenn described the process they went through to create the 2 lists they are working on to deal with the taxes owed to the town. She noted that on the Housekeeping List some taxes owed are more than the property is worth, some properties are wetlands. The Priority List includes larger parcels that could have strategic value to the town for various reasons. The Committee has recommendations as to how the properties can be used. Four large properties are not being taxed and don't have map numbers. They shared maps and described the locations.

Ms. Shovlin summarized how the Committee set up all the material in an attempt to make it easy to interpret. Their hope is that, as the Board received theirs and other's recommendations, they'll see some similarities. She thanked everyone on the Committee for all their hard work.

Mr. MacAskill also thanked the Committee. He commented that the climate of the Board is to fix this problem. He asked the Town Planner. Why we have four properties not being taxed without map or parcel.

Jon Idman Town Planner responded that it's lack of funding and resources for the Assessing Department. He feels there should be more resources and more funding because it's a huge part of the Town's revenues and costs.

Mr. MacAskill quoted the amount of money owed to the Town on properties that may never be paid.

Mr. Howell thanked the Committee and commented that if they can take these off the list and do something for the Town, it would be great.

Ms. Kavanagh is excited to see what they've accomplished and thanked the Committee.

Mr. Ballantine appreciated that they looked at this in a holistic fashion. He thanked the Committee for bringing it to them in an organized and thoughtful way. He asked if there is money to move this forward.

Mr. Howell replied that they have money.

Mr. Idman responded that they have appropriated money for title work, then multiply that by 10. He explained the involved processes, the costs and additional appropriations. He ended that Town Council had done a lot of work in the 80's and 90's and the Assessor's office is still working off some of that research.

Mr. Ballantine commented that they should be looking for an action plan. He asked Mr. Idman what the steps should be.

Mr. Idman replied that the first step is title work.

Mr. MacAskill noted that they have had a difficult time finding appraisers, surveying and tax title researchers. There's a plan on this coming budget based on direction from the Board to add some of those components.

Ms. Anderson expressed her appreciation for the work the Committee did and how they presented the information.

Mr. MacAskill has taken the direction to get this done. He noted the Judah Eldredge property which will be surveyed to take it to the next level. He commented that they have to escrow the money they spend but they will eventually get that money back. He hopes the Board gets behind

this no matter what they have to spend, it's been talked about for many years and it's time to do something and to look forward. He referenced Hall's Path and the cost of legal fees and how many are working on it and that it never had to happen, He also noted the 61 acre piece close to the dump. They cannot allow that to be taken by anyone when the town may have to take effluent back if/when a deal is made with Dennis and the town may have to build their own treatment facility. That could be taken by eminent domain for a purpose that is an actual emergency. He feels whatever they take should be care, custody and control of the Board of Selectmen until they have the right amount of input and figure out what the land should be used for. He would support going to Town Meeting with a global taking. He would like the tax office to look at the list and compare it to land value compared to the ones that have been fixed. He noted the 3 categories, people behind in their taxes, miscellaneous parcels and owners unknown. He feels the Board has to work toward eminent domain to control future growth. He feels they should go to Town Meeting with some sort of package that they are taking some of this land.

Mr. Howell commented that no one's been able to work to clear titles in a year so the town had a one year hiatus. He suggested combining the resume plan money with that time out. There is a place to get money now that wasn't available before.

Ms. Kavanagh would like to have legal weigh in on Mr. Howell's idea.

Mr. Dennen referred to the statement that the Town was accumulating interest on taxes that were due. He asked, if the interest in the amount of taxes is exceeding the value of the land, will there be a write down of the asset or if that has been contemplated.

Mr. MacAskill replied that it has been contemplated. He will ask the Finance Director and forward her answer to Mr. Dennen. He will keep this on the agenda until they make a Board decision to make a packet of something for this Town Meeting.

Ms. Shovlin moved to adjourn, vote 5:0 in favor by roll call.

### **OLD BUSINESS**

A. Update from Jon Idman, Town Planner, on information of Local Planning Committee (LPC)

Jon Idman Town Planner reported that 20 people have shown an interest in joining the Committee and they're all excellent candidates. He recommends making the entire committee a committee of at large members and explained his reasoning. He also discussed the interview and selection process and made suggestions.

Mr. MacAskill asked how many people were going to be on the original committee.

Mr. Idman replied that they had talked about 11 with 6 ex-officio members and 5 community at large members. He would like to stay with the 11, more would get too difficult.

Ms. Anderson likes the idea of having 11 at large. She supports Jon's plan.

Mr. Ballantine confirmed that there are 20 applicants, and the purpose of the Selection Committee would be to reduce that to 11.

Ms. Kavanagh agreed, after the interview process, maybe some who aren't chosen will work on other committees.

Mr. Howell agrees with Mr. Idman that there is a collateral advantage.

Mr. MacAskill agrees that the interviews could be done on a Saturday and he would like to see the Town Planner and Town Administrator be part of it. It doesn't have to be the whole Board but he will open it up to the Board.

Mr. Ballantine suggested using the Interview Committee already in place and then any Board member can join in.

Mr. Howell agrees with the Saturday and suggests they take a vote to reconstruct it with 11 at large.

Ms. Anderson also agrees with using the Interview Committee and she would also like to attend.

Ms. Kavanagh also agrees and would like the option to attend.

Mr. MacAskill will put it on to change the structure for a vote next week. He will also contact the Town Administrator to arrange a time with Mr. Idman and then coordinate with the applicants.

Mr. Idman will give the Town Administrator the applications and resumes.

Ms. Anderson suggested there be some structure to the questions so each candidate answers the same questions.

Mr. Idman agrees and will have a conversation with the Town Administrator about the interview questions.

Mr. MacAskill suggested that each Board member submit to staff the questions they would want to ask the applicants.

Mr. MacAskill asked if Mr. Idman and the Town Administrator should go over the 20 applications first to be sure they should all be interviewed.

Mr. Idman commented that it is a good group of applicants, some have more pointed agendas but he would not reject any on that basis. That will be part of the interview process. He will discuss that with the Town Administrator.

B. Discussion and update on all items related to wastewater and Comprehensive Wastewater Management Plan (CWMP)

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Dan Pelletier Superintendent of Water & Wastewater began his update with news that within the next week or two they will be mailing the Order to Connect letters for Contract One of the Phase Two Sewer Project. The Operations Agreement with Wesson and Samson and Chatham has been signed and letters should be forthcoming. DEP was onsite to inspect the Contract 2 pump stations CDM Smith has provided all the closeout documentation for DEP so we will receive approval to operate for Contract 2's collection system. The remaining letters will be issued at that point. For customers coming on line to the sewer system, they put together data and created a GIS map. He explained how residents can use the map to get information on what their quarterly sewer bill might be. This map is on the [harwichwater.com](http://harwichwater.com) home page.

Mr. MacAskill requested that it be added to the Wastewater tab on the Town of Harwich website.

Mr. Pelletier continued that they have also been working with the Barnstable County Septic Loan Program to have septic loans offered at 0% for service connections. It is not in place yet but it is in process.

Mr. MacAskill asked what the Order to Connect will say.

Mr. Pelletier replied that the Order to Connect comes from the Board of Health but they are supplementing that with a welcome package that includes a check list. The Order to Connect states that the Board of Health is mandating connection and that they need to do so within 2 years

Mr. Ballantine asked if residents start paying the bill when they get the letter or when they connect.

Mr. Pelletier answered that the first bill would be after you connect your home. He continued that some time ago they started the Sewer CAD model contract, GHD notified him today that the final report and memo will be sent in the next couple of weeks. Also, regarding the Fertilizer Bylaw which the Town of Harwich adopted last January, KP Law has advised that Chapter 262 of the Acts of 2012 preempt local regulation of fertilizer application regulations. Because that regulation was not adopted prior to 2012, it was not grandfathered in. He suggested the Town of Harwich prepare a fertilizer PR campaign and he noted how that could be done. It would allow the Town to keep the 200 kilogram credit on the watershed permit. He would like to do that over the next year.

Ms. Kavanagh noted that there would be some cost in doing that. She asked if he would need assistance from them or staff.

Mr. Pelletier replied that at this stage he wouldn't be asking for help. He would try and structure it as something he can do with mailings etc.

Sharon Pflieger, Vice Chair Board of Health, but not representing them tonight, reminded people that the decision that came in from Cape Cod and the state was to educate people and not by regulations and bylaws. She noted that the education and budget for that are part of the CWMP

that was agreed to. When they had to rescind the regulations, they took the MDAR regulations and tweeted it which is currently on their website for people to use as a guideline for what they can and should do.

Mr. Pelletier will contact Mr. Fernandez at the golf course and ask what they have been doing.

Mr. Ballantine asked why they can't state, in regards to the Pleasant Bay Alliance that they're adopting as required the state regulations. He suggested they're making it more complicated than it need be. He also noted that other towns, for enforcement, treat it like conservation. They don't actively look for people, it's more reporting.

Mr. Idman commented that's not just a matter of, you can't be inconsistent with the state regulations, it's a matter of preemption. There is no authority to administer or enforce. In 2016 when the CWMP was going through, the time period for adopting regulations had already expired.

Mr. Howell summarized the situation.

Ms. Kavanagh noted that Order of Conditions from Conservation specifically cited that you cannot have fertilizers and they restrict them. She questioned who is watching over that.

Mr. Idman noted that they are difficult to enforce. He suggested to Mr. Pelletier, regarding education, that there is a Fertilizer Certification Program through Barnstable County Extension.

Mr. Pelletier noted that after Yarmouth walked away from DHY there had been discussion about a Harwich Dennis partnership. He gave a description of what Dennis has been planning and that they are still working to resolve effluent recharge, Harwich has recharge sites which may be viable for a Dennis/Harwich treatment plant. He asked, before he proceeds, if the Board is on board with 2 main things; that we are open to receiving and recharging effluent from a joint Dennis/Harwich treatment plant and that we do want to pursue with Dennis for treatment of Harwich's effluent. He would like to be able to advocate on behalf of Harwich with the support of the Board.

Mr. MacAskill noted that they had driven the DHY until it didn't go anywhere. He asked the Board if they are interested in continuing discussions with Dennis and Harwich /DH and is it worth it to have our subject matter expert, Dan, attend those meetings. Also the Town Administrator would want to be part of those conversations.

Mr. Howell would like to explore the DH option.

Mr. Pelletier clarified that when he says he would advocate for Harwich he meant the nuts and bolts. Governance remains with the Board and the Administrator.

Mr. MacAskill added that they never had the numbers of going it alone vs going with another town. He hopes to work in that direction.

Mr. Pelletier notes that he could not prepare an estimate for cost until they got into the governance details. He explained the different variations of agreements.

Ms. Kavanagh is also interested in a partnership and she is ok with Mr. Pelletier participating.

Mr. Ballantine feels they should move ahead with DH.

Ms. Anderson agrees, it makes sense to not do it ourselves.

Mr. Pelletier noted that when they talk about taking effluent back for recharge in Harwich, once the water goes in its blended so it'd be a blended effluent back. Some people may object to us taking Dennis' effluent back. To dispel concerns it's important to note that with a recharge site in Harwich, we control what we build, treat wastewater to drinking water standards and if contaminants arise, it is within our rights to do so.

Mr. MacAskill commented that the level of treatment would have to be discussed with Dennis up front.

Mr. Pelletier spoke of Phase 2 and neighborhoods that were removed when Contract 1 came in overbid. He listed the streets as follows: 1/2 Bay Road, 1/2 Williamsburg Ave, Vicksburg Ave, Old Carriage Drive, Huckleberry Path, Sadie's Way, Lily Lane, Sugar Hill Drive, Deer Meadow Road, Tern Road, Locust Drive, Nickerson Road, Marsh view Road. There is no discussion to date as to what the Town's action will be for those.

Mr. MacAskill asked Mr. Pelletier to send that list to staff so that it may be included in the minutes.

Mr. Pelletier continued that all of those neighborhoods reside in the Upper and Lower Muddy Creek Water Sheds. There're 4 primary watersheds in East Harwich that they are looking to remove nitrogen from, those 2 plus Round Cove and Pleasant Bay. He described the MEB reports and data for each watershed over the years of testing. He explained what an attenuation rate is and what it means in terms of nitrogen going through. In Muddy Creek there is more nitrogen going in but there is a better system of flushing it out. The new Watershed model that is under contract with UMASS is what he believes will be the final step. In Upper Muddy Creek, the best available day suggests they have succeeded in what we need to remove. In Lower Muddy Creek, we have 983 out of 986 kilograms, that's good also. Until they get more data, he hesitates to make recommendations on the streets he just listed off and he explained his reasons. He expects to get those reports in about 6 months. Another example is, that if they don't have sewers on their street in Bascom Hollow by 2021 they were going to have to convert their conventional septic system to IAs sewerage. Round Cove and Pleasant Bay cannot be done without going up Route 39. He suggested that if they're going to pump the brakes they should focus on Pleasant Bay, Round Cove sub water sheds. He struggles with seeing people invest in systems that all have to be replaced and the town won't get credit for nitrogen removal in Bascom Hollow because they're not monitored by governmental agencies.

Mr. MacAskill asked, if we go by it, why not pick it up.

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Mr. Pelletier replied that if we go by it and pick it up, what do we do short term while they're under mandate from the Board of Health.

Mr. MacAskill stated that today's mandate is not tomorrow's mandate so all of those that say that we're over sewerage, with all these reports that were inconsistent at best, with nobody knowing what the inlet in Chatham is going to be and the flow of water may change, he feels it's being responsible to over sewer rather than not. His position is that if we go by it, pick it up why go back.

Mr. Howell commented that they promised to provide an above board estimate of what needed to be done and why and then follow that as a game plan. If it's only 6-8 months, he hopes they can hold off until they get a comprehensive report back.

Mr. Pelletier is also on board with waiting and added there may be some monetary consideration given as to which streets we do and which we don't as well and gave examples.

Ms. Kavanagh comments that there is money coming their way and plans and preparedness is important in all of that. She is not loving the idea of paying for sewer but understands the importance of it. She thinks it's important that they're spending all this money for an infrastructure and don't know what the numbers are going to be moving forward. She also understands the concerns of the IA's and that they are more money than connecting to sewer. She thinks they should be prepared and not draw it out and lose out on any kind of monies.

Mr. Pelletier noted an economic reason. We need customers to generate revenue for this department so we are not relying on the General Fund. The more streets we go past and don't pick up keeps our customer base smaller, revenues smaller and more reliant on the General Fund.

Mr. MacAskill commented that it could be on the economic side for developers in Bascom Hollow to say they have to spend X on IA's and chip in to sewer the road.

Ms. Kavanagh commented on how many times they're going to rip up the roads. She feels if we're doing all this work, as we're going we should pull in what we can so we're not doing it all over again.

Mr. Ballantine would like to keep on track. Even if we get a new report, he would like to move forward and stay the course.

Ms. Anderson agrees that Bascom Hollow has an issue with septic and we ought to pick that up. She is unclear if that meant they'd pick up all the streets that were dropped or just Bascom Hollow.

Mr. Pelletier replied that the design will tell them a lot. He described the different ways to get to Pleasant Bay and Round Cove. If they go up 39 there should be a discussion regarding the streets that were stripped from Phase 2 along 39. If they go up Church Street there would be discussion on those abutters.

Mr. MacAskill commented that no decision has to be made tonight. The consensus of the Board is to show us, it depends on which direction we are going to go.

Mr. Howell noted that he had a conversation at the Clean Waters Management Board and he brought up that if they have this ARPA money, he suggested maybe some could be taken off the top and replenish the fund. It's a financial burden for some people. They voted to have the incoming chair write a letter to the Commissioners because they make the decision on what gets disbursed and in what way.

Ms. Kavanagh noted that if someone had a septic loan and had to get a sewer alone they could have 2 at the same time.

Mr. MacAskill asked when they are looking at a proposed date for the Phase 3 collection system so that we are ready for a shovel ready project.

Mr. Pelletier replied the he thinks the design contract was a year but he has to check. Also he has a virtual meeting and an in person meeting this week to hear the public's questions and concerns regarding the CWMP.

### **SELECTMEN'S REPORT**

No reports

Mr. Ballantine moved to adjourn, 2nd by Ms. Kavanagh. Vote 5:0 by roll call.

Respectfully submitted  
Recording Secretary  
Judith R. Moldstad

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