

APPROVED

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TOWN CLERK
HARWICH, MA
2022 JUN -1 P 2:46
MINUTES
SELECTMEN'S MEETING
TOWN HALL
GRIFFIN ROOM
MONDAY, AUGUST 24, 2020
6:00PM EXECUTIVE SESSION
6:30PM REGULAR MEETING
REMOTE PARTICIPATION ONLY

SELECTMEN PARTICIPATING: Michael MacAskill, Stephen Ford and Edward McManus

ALSO PARTICIPATING: Interim Town Administrator Joseph F. Powers

CALL TO ORDER:

Vice Chairman Ford opened the Board of Selectmen's meeting for August 24, 2020 at 6:00PM. Mr. MacAskill moved to enter into Executive Session, 2nd by Mr. McManus. Vote 3:0 in favor. Motion carried unanimously.

EXECUTIVE SESSION:

- A. Pursuant to MGL c 30A section 21(a) paragraph 3 to discuss with respect to collective bargaining for Harwich Employees Association (HEA) and the Highway and Maintenance Employees Association (HMEA) if an open session would have a detrimental effect on the town's bargaining position and the chair so declares.
- B. Pursuant to MGL c30A section 21(a) paragraph 2 to conduct strategy sessions for contract negotiations for nonunion personnel - Interim Town Administrator

Mr. Ford called the Regular Meeting to Order for August 24, 2020. He reported that in Executive Session, on item A, there was further discussion on how they would move forward. On item B they continued discussion on the contract that will be offered to the Interim Town Administrator. They began the meeting with the Pledge of Allegiance.

WEEKLY BRIEFING:

A. COVID-19 Update

Meggan Eldredge Health Director reported COVID statistics, active, nonactive and positivity rate. The emergency order requiring face covering has been amended to include Town Meeting. She noted that Little League has not requested to operate in town although baseball is allowed with guidelines.

Mr. Ford noted that Nantucket has voted to stop the sale of alcohol after 11:00PM and asked if that had been considered.

Ms. Eldredge replied that our Board of Health has not requested or discussed that.

August 24, 2020

B. Update on ongoing efforts by the Town in support of the business community

Cindy Williams Executive Director of the Chamber of Commerce reported that the Chamber had their meeting and installed the new officers which she mentioned by name. She also shared the names of the award winners and asked everyone to support local businesses.

PUBLIC COMMENTS/ANNOUNCEMENTS

Mr. Ford mentioned the reasons Chairman Ballantine and Mr. Howell are not present.

NON-RESIDENT TAXPAYERS VIDEO

The video was presented and can be located on the Town's website.

NEW BUSINESS:

A. Minutes for approval

1. June 15, 2020

Mr. MacAskill moved to approve the minutes for June 15, 2020, 2nd by Mr. McManus. Vote 3:0 in favor by roll call. Motion carried unanimously.

OLD BUSINESS

A. Discussion and possible vote to name Joseph F. Powers Interim Town Administrator for a 90 day period to expire no later than November 18, 2020

Mr. Ford noted that the previous term expired last week. There has been concern by residents on limitations placed on the Board in the Charter relative to making these appointments. He assured all that they have had extensive consultation with council and council believes strongly that the Board does have this ability based on the present situation and the interpretation of the Charter itself.

Mr. MacAskill moved to name Joseph F. Powers Interim Town Administrator for a 90 day period to expire no later than November 18, 2020, 2nd by Mr. McManus. Vote 3:0 in favor by roll call. Motion carried unanimously.

B. Update on Annual Town Meeting logistics

Griffin Ryder Town Engineer referred to the plan on the packet and reviewed specific items including seating and masking for safety. He welcomed comments or suggestions.

Interim Town Administrator Powers added detail as to check in for voters and the general public. There will be some tenting and sun covering. There will be advertising informing every one of the logistics and expectations. Attorney Giorgio has confirmed that if they go with a reduced

August 24, 2020

quorum the Board would have to agree to have that discussion, the Moderator is willing have the discussion and support a reduced quorum which does not impact the Warrant. Public Notice has been posted that the matter would be discussed next week. Moderator Ford sent an email that he asked be read into the record. Interim Town Administrator Powers read: Moderator Ford indicates that he is not able to participate this evening. Recognizing that setting the quorum is customarily the province of the voters, I was initially hesitant to approve of a reduction. However, I believe the Board has taken positive steps by locating the Annual Meeting outdoors, designing the lay out of the meeting to observe the social distancing requirement, working with the guidance of Town Hall Staff including the Board of Health regarding protocols to be followed during the meeting including the requirement of masks resulting in a safe environment in which to conduct the meeting. These steps were all taken in an effort to get as many voters to attend as possible and I believe we will end up attracting in excess of the established quorum which we know to be 150 voters to the meeting. If however we fall short of the established quorum notwithstanding the efforts to create a safe and attractive meeting place, I understand the need to be able to conduct the Town Meeting in order to authorize the Town to continue to function during the state of emergency. Accordingly, I would support a quorum reduction if the Board so votes. Please enter this email into the record of tonight's hearings as my comments as Moderator as required by Section 7A of Chapter 92 of the Acts of 2020. Thank you, Michael D. Ford Town Moderator. End of email. The Board would have to assent to having the discussion next week. He will need a general consensus that the Board would be willing to enter into that discussion.

There is a Board consensus and that will be on the agenda next week.

C. Discussion and possible vote on the remaining Articles for the 2020 Annual town Meeting Warrant;

Mr. Ford noted that there are 2 people who want to speak to 43 and 1 person on 44.

Interim Town Administrator noted that there are at least 2 of the petitioners are available to talk about their Articles. He has put a document in the packet that he has used over the years to certify the votes of a Town Meeting. The Board has and it will be made public, a list of the Articles updated by the Finance Commission and showing their votes and recommendations. There is a new Article, #25, that was required relative to contract negotiations. He gave an overview of the Articles and hopes to go through as many as possible.

1. Article #1 Town Offices and Committees

Mr. MacAskill moved to accept, adopt and include in the Warrant Town Offices and Committees, 2nd by Mr. McManus. Vote 3:0 in favor by roll call. Motion carried unanimously.

2. Article #2 Reports of Town Offices and Committees

Mr. MacAskill moved to accept and adopt and include in the Warrant Reports of Town Offices and Committees, 2nd by Mr. McManus. Vote 3:0 in favor by roll call. Motion carried unanimously.

August 24, 2020

3. Article #3 Elected Officials Salaries

Mr. MacAskill moved to accept, adopt and include in the Warrant Elected Officials Salaries, 2nd by Mr. McManus. Vote 3:0 in favor by roll call. Motion carried unanimously.

4. Article #4 Use of Stabilization Fund

Mr. MacAskill questioned if they can call a motion with an amount to be determined.

Interim Town Administrator Powers suggested that the Board hold off until next week.

7. Article #7 Cape Cod Regional Technical School District Budget

Mr. MacAskill moved to accept, adopt and include in the Warrant Cape Cod Regional Technical School District Budget in the amount of \$1,737,789.00, 2nd by Mr. McManus. Vote 3:0 in favor by roll call. Motion carried unanimously.

8. Article #8 Water Department Budget

Mr. MacAskill moved to accept, adopt and include in the Warrant Water Department Budget \$4, 291, 075.00, 2nd by Mr. McManus. Vote 3:0 in favor by roll call. Motion carried unanimously.

9. Article #9 Wastewater/Sewer Department Budget

Mr. MacAskill questioned if they should hold off as the number will change.

The Board agreed to wait until next week.

Interim Town Administrator Powers asked that they not take action on the Capital Outlay Plan yet.

Mr. Ford asked if the Finance Committee had contacted Interim Town Administrator Powers as discussed relative to their version of the Capital Plan and if he is comfortable with it.

Interim Town Administrator Powers replied yes, he would like the opportunity to pull it all together one last time.

11. Article #11 Capital Items Funded from Free Cash - items under \$50,000

Mr. MacAskill moved to accept, adopt and include in the Warrant Capital Items Funded from Free Cash Under \$50,000, the amount is for Police Taser Replacement year 3 of 3, \$14,910, Fire Air Pack Capital Contribution \$27,389 for a total of \$42,299.

Mr. McManus asked if this includes our share of the larger expenditure on the Air Pack.

August 24, 2020

Mr. MacAskill read the explanation.

Mr. McManus had requested had it be separated out.

Mr. Ford asked Interim Town Administrator Powers if he understood that Mr. McManus is saying that the overall cost of the Air Packs is in excess of \$500,000. The actual cost is not Items up to \$50,000. It exceeds that and should be a separate item.

Interim Town administrator Powers replied that there had also been discussion if they should use the title Items Under \$50,000 because of the charter change. The Finance Committee has incorporated the new rules and voted to move that forward. He noted that they had done that one but not this one. He can do whatever the Board wants as far as that Article goes but if we are operating under the new Charter requirement, there no longer is the concept of items under 50K.

Mr. MacAskill referred to his comment last week, he feels it should stay the same and given the time it would take to change it, it should remain as it is on the Warrant. The Town's purchase is still \$42,299.

Interim Town Administrator Powers commented that that statement is spot on as this Article was carried over from last year in the same format.

Mr. McManus 2nd the motion. Vote 2:0:1 in favor by roll call. Motion carried.

12. Article #12 Facility Maintenance and Repair Fund

Mr. MacAskill asked if they want to hold on Article #12 because of the \$31,000 or could his motion be to take that \$31,000 out of what would be Article 9 and see where it shakes out.

Interim Town Administrator Powers doesn't want them to hold off. Facilities Maintenance would've had this item and the subsidy for the Cultural Center. If the Board wants to hold off until next Monday, he would have no objection. He discussed roof projects that will be deferred per the DPW, subsidy to the Cultural Center and its Revolving Fund. He is looking to get a dollar amount but that would not require an article, it's the execution of the Revolving Fund. The \$55,000 from Free Cash is needed for this particular item.

Mr. MacAskill asked if they could put in an amount of less than \$100,000. The subsidy has come down since they started renting the building. He asked if there had been conversations to see if they needed the \$100,000.

Interim Town Administrator Powers replied that the \$100,000 is a carryover from the previous Town Administrator's Capital Plan. He did have conversations, the bare minimum goes to utilities and minor standard repairs throughout the fiscal year and that's anywhere from \$90,000 to \$115,000. The \$100,000 is not in the Article.

Mr. McManus commented that he understands why the roof projects are not being done now but that they should be a priority next year.

Mr. MacAskill moved to accept and adopt Facility Maintenance and Repair Fund, 2nd by Mr. McManus. Vote 3:0 in favor by roll call. Motion carried unanimously.

13. Article #13 Replace Fire Department Ambulance

Mr. MacAskill moved to accept, adopt and include in the Warrant Replace Fire Department Ambulance estimated cost of \$378,000, 2nd by Mr. McManus. Vote 3:0 in favor by roll call. Motion carried unanimously.

Interim Town Administrator Powers commented that the Board had already voted Articles 14-21. Article 17 makes reference to debt exclusion which is old language. He is getting guidance from council on wording.

Articles 22 and 24 are not on the agenda and will be voted next week

14. Article #25 Adopt MGL Chapter 33 s59 - Continuation of pay for Reservists

Mr. MacAskill moved to accept, adopt and include in the Warrant Continuation of pay for Police Officers in service in the Reserves National Guard, 2nd by Mr. McManus. Vote 3:0 in favor by roll call.

15. Article #38 Amend the Code of Harwich General By-Laws - Chapter 8 Departmental Revolving Funds s8-1, Funds Established

Interim Town Administrator Powers noted that the Finance Committee needs more information and took no action on Article #38. This is to get more discussion from the Board and more information for Monday night.

Mr. MacAskill suggested they bring it back next week.

16. Article 39 Annual Departmental Revolving Fund Authorization

This will also be brought back next week.

Mr. MacAskill noted that the Finance Committee indefinitely postponed the next 3 and they will be in the Warrant anyway. There are some petitioners present virtually but the Board doesn't have to take any action.

17. Article 43 Commercial Single-Use Plastic Water Bottle Ban

Patrick Otton spoke regarding the single-use plastic water bottles.

Bonnie Bridges spoke regarding the single-use plastic water bottles.

August 24, 2020

Town Meeting, May 6, 2019 for Article 50

Mr. McManus commented that he personally supports this Article

Mr. Ford asked the Board if they want to take a vote on this article.

Mr. Otton added that all the other towns except for Falmouth have voted in favor of this bottle ban.

Mr. Ford commented that they don't have all the members of the Board present and will not be voting however he personally strongly supports this Article.

18. Article #44 Rescind the action taken at the Annual Town Meeting May 6, 2019 for Article 50

Mr. MacAskill commented that this was a decision regarding plastic containers.

Janelle Brown spoke regarding this petition and explained why she wrote it, explaining the financial burden to various groups. Also if Article #50 passes, this is no longer needed.

19. Article #45 New Climate Policy By-Law

Mr. MacAskill commented that this was going to be changed to a Resolution.

Nicki Kearns was present to speak about this position. With her was Roseanne Shapiro and Deborah Ennes of the Harwich Climate Action Network. They requested a postponement, they are working to change the wording from a By-Law to a Resolution. They would like to speak at next week's meeting.

Mr. Ford will reschedule to next week.

Interim Town Administrator Powers followed up on the Consent Agenda conversation. Attorney Giorgio offered to create a motion that can be made from the floor at Town Meeting to try and encapsulate those rather than go through the effort of assuming.

CONTRACTS

A. Discussion and possible vote to approve Phase 2 Contract 1
Change Order Number 2 for Robert B. Our Company, Inc. in the amount of 436,768.00
to be signed by the Board of Selectmen Chairman

Mr. MacAskill moved to approve the contract for Robert B. Our Company, Inc. as presented, 2nd by Mr. McManus. Mr. MacAskill noted that this falls into the 5% contingency. Vote 3:0 in favor by roll call. Motion carried unanimously.

August 24, 2020

B. Discussion and possible vote to approve Phase 2 Contract 2 Change Order Number 1 for RJV Construction in the amount of \$433,188.00 to be signed by the Board of Selectmen Chairman

Mr. MacAskill moved to approve the contract for RJV Construction as presented, 2nd by Mr. McManus.

Mr. MacAskill asked for an update on the East Harwich Sewer Project, what needs to be done for work, what's left in the contingency funds, as much information as possible.

Vote 3:0 in favor by roll call. Motion carried unanimously.

TOWN ADMINISTRATOR'S REPORT

A. Departmental Reports

Interim Town Administrator Powers had a document for the Board members to sign regarding a change of managers for 554 Main Street Bar, LLC DBA Three Monkeys. He also asked the Board what their plans are for the week of Labor Day.

SELECTMEN'S REPORT

No reports

Mr. MacAskill moved to adjourn, 2nd by Mr. McManus. Vote 3:0 in favor by roll call. Motion carried unanimously.

Respectfully submitted,

Judith R. Moldstad
Recording Secretary

August 24, 2020