

RECEIVED
TOWN CLERK
HARWICH, MA

2022 APR -5 P 1:19

MINUTES
SELECTMEN'S MEETING
Donn B. Griffin Room, Town Hall
MONDAY, SEPTEMBER 13, 2021
6:00 PM (Executive Session)
6:30 PM (Regular Session)

APPROVED

RELEASED

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

ALSO PARTICIPATING: Town Administrator Joseph F. Powers

CALL TO ORDER: Chairman MacAskill opened the Board of Selectmen's Meeting for September 13, 2021 at 6:00 PM. Ms. Anderson moved to enter into Executive Session, 2nd by Mr. Howell. Vote: 4:0 Motion carried unanimously.

EXECUTIVE SESSION

- A. Executive Session pursuant to G.L. c. 30A, sec 21(a)(2) to conduct strategy sessions for negotiations with non-union personnel and to conduct contract negotiations with non-union personnel - Water/Wastewater Superintendent
- B. Executive Session pursuant to G.L. c. 30A, sec. 21(a)(7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements ("Purpose 7")-the Open Meeting Law, G.L. C. 30A, S 22(f), (g)—To review, approve and/or discuss the possible release of executive session meeting minutes dated March 22, 2021, April 27, 2021, May 10, 2021, May 12, 2021, June 7, 2021, June 14, 2021, July 26, 2021, September 7, 2021; votes may be taken.

Mr. MacAskill reported that there were 2 topics in Executive Session. One was related to approving Executive Session Minutes which the Board did. They voted those minutes but will not be releasing all of those minutes because some of them are pertaining to a lawsuit that they are involved in. Contract negotiations; they went over time and recessed. They will reconvene the Executive Session after this meeting. The Board of Health had a meeting where they initiated the wearing of a masks in public meetings again. They also left it open to the chairman to decide if you do or don't have to. If social distancing can be maintained and people are comfortable, you do not have to put them on. It is the same for the Town Administrator and the Board. They have had 2 extremely busy meetings in this room which initiated the conversation with the Board of Health. The Health Director was concerned that they should initiate the mask mandate again. It's not a mandate and Mr. MacAskill asked if people are uncomfortable and could not get 6 feet away to tell him and they will make a provision or have everyone put their masks on. He invited attendees to join him in the Pledge of Allegiance.

PUBLIC COMMENTS/ANNOUNCEMENTS

- A. Single-Use Plastic Bottle Bylaw

September 13, 2021

Town Administrator Powers stated that a citizen petition/article was established at the Annual Town Meeting of 2020 which was the COVID impacted Town Meeting. Correction, there were 2 articles. One was an environmental hazards bylaw that was created in 2019. It was amended by citizen petition in 2020. The amendment, under chapter 125 of the bylaws is down as Article 2 which is commercial single-use plastic water bottles. It indicates that effective September 1, 2021 it shall be unlawful to sell non-carbonated, unflavored drinking water and single-use plastic bottles of less than one gallon in the Town of Harwich. Under definition it states that single-use plastic bottle is a beverage container made from any type of plastic resin. There are exemptions that relate to emergency management, certain county, state and local officials and requires enforcement of this by the Town Administrator. It has a standard enforcement non-criminal disposition table. The first violation requires a written warning, second violation requires a \$150.00 fine and third and subsequent violations require a \$300.00 fine. He has drafted an open letter to the community, dated September 1, 2021.

The letter was read for the record:

To whom it may concern, the single-use plastic bottle bylaw became effective September 1, 2021. This citizen initiated bylaw was adopted in an effort to reduce plastic waste and therefore promote environmental health in our community. Having said that, the Administration Office recognizes that this bylaw may have a detrimental impact on the economic health of businesses that rely on these products to support their livelihoods. In addition, this unfunded mandate requires staff time which we currently cannot spare. In response to the business and citizen inquiries regarding the process by which this bylaw will be handled, the town will utilize an educational approach that will inform businesses of the bylaw and the reasons behind it. This approach will be by way of electronic communications to commercial permit holders and complaint driven on-site inspections by Health Department staff. This adjustment period will allow both the town and the business community to assess the impacts of this bylaw. In the meantime businesses are expected to comply with the bylaw. As Town Administrator however, I am contemplating an amendment to the bylaw to be presented at the Annual Town Meeting in the spring of 2022.

Sincerely, Joseph Powers

The town did not create this by law. The town is beholden to this bylaw. It went through a proper process, it was approved by Town Meeting, vetted by the Attorney General's Office and therefore it is the law of our land. However, given all the confusion around it, the town has the right through its agent as Administrator to do the research and find out what impact it's having. If necessary, perhaps come back to this Board to recommend changes or amendments to that bylaw.

Mr. Howell comments that he gets what the Town Administrator said except the majority of the Board actually supported it also. It was not unanimous but it wasn't absent any support in governance.

Town Administrator Powers replied that he didn't mean to suggest that it did.

Howell continued that the governance did support it in a split vote. He suggested that if he was going to look at economic impact, he should look at the economic impact of the fact that when we recycle plastic, we actually are paying to do it. We're not getting money back, we're paying to send plastic out. That is an economic impact also.

September 13, 2021

Ms. Anderson commented that she gets that it is controversial but she thinks with all environmental things you have to start somewhere and she thought this was a good start. There are other ways water can be carted around and even some disposable things that are not plastic. She is good with the bylaw.

Mr. Ballantine commented that he was one that had concerns. He always liked the volunteer educational rather than mandatory because this law was passed by the town, it is what it is and so he is ok that they move ahead.

Town Administrator Powers wants to make it clear that one of his concerns is that it is unusual for a bylaw to be created in this manner without input from our Bylaw Charter Review Committee and other agencies that could have weighed in on some of the bureaucratic but necessary components. For example, this bans the sale of single-use plastic water bottles. It does not ban the use, it does not ban the distribution and it does not ban the transportation of it. There are a number of loopholes. However it went through the process that it needs to go through. Administration will be listening to complaints they've gotten from both sides and see if there are ways to refine it to make sure that this is a functioning law. And removing the Administrator as the agent of it which is highly unusual and replacing that with a regulatory authority within town.

PUBLIC COMMENTS/ANNOUNCEMENTS:

Mark Kelleher of West Harwich stated that he spoke to some members of the Finance Committee. He knows the Board is working on retiring that 6.5 million dollar debt of back taxes. He emphasized how important it is to have benchmarks and measurements so that it can be reported on a regular basis. He suggested maybe by the Town Administrator so they can see the progress that is being made. He feels it is important because there is no housing out there for working families in town. He has been going door to door and he hears that constantly. The advantage of having benchmarks and measurements is that we can push retiring that debt down and fund the Housing Trust Fund. He thinks it's important to use the land the town just bought on Rte 124.

Mr. MacAskill spoke to clear up any misconceptions. The Board discussed looking for benchmarks as well as a policy at the last meeting. They are now waiting for proposals from attorneys and title examiners. There is more to come soon but they are not sleeping on this one.

Jaime Goodwin of Channel 18 Station Manager stated that last week the station started streaming on ROKU devices. They set the station to start streaming last week. You can also watch back episodes of Selectmen's meetings and any other meetings you're interested. It functions like an on-demand service. The instructions on how to download that app are on the Town's website, on the homepage. Next week they will start streaming on Apple TV devices and aim to stream to YouTube Live by the end of the calendared year.

Cindy Williams, Executive Director of the Harwich Chamber of Commerce thanked her partner in planning yesterday's very successful parade, Fire Chief Dave LeBlanc. It was a wonderful community event. Retired Fire Chief Norm Clark was the marshall and all 7 villages were

represented as well as others from town. She reminded everyone that this weekend is Cranberry Festival Weekend and the fireworks are Saturday night at 8:00. Also, Bud's Mini Golf co-owner is putting on a fund raiser and the Chamber is a partner. 100% of the proceeds will benefit the Harwich first responders as well as Boston's Childrens' Hospital. It's Saturday, September 25th and starts at 9:30AM.

Bonnie Bridges spoke regarding the plastic bottle bylaw. She is a co-filer of the plastic bottle ban and a member of Sustainable Practices which is a Cape Cod nonprofit. At the fall Town Meeting on September 26th, the voters of Harwich passed the commercial single-use plastic water bottle ban bylaw banning the purchase and sale of single-use plastic water bottles. The bylaw was scheduled to go into effect almost one year later. We had one year to plan and prepare. Many stores display signs why the water bottles are not available. The issue isn't just about plastic but the life cycle of plastic. This bylaw enhances the value of our town. She hopes the town will comply with this bylaw and respect the will of its citizens. There are 9 other towns that have passed this bylaw.

Ed McManus spoke about the Cranberry Festival. They will post signs asking people who have not been vaccinated to wear a mask, especially in crowded areas. They are hoping people will follow the recommendation. They are expecting a good time and urge everyone to come.

Town Administrator Powers read a late notice from the Mass Department of Transportation. They are alerting the town to 3 asphalt pavement repair and improvement projects. They will begin work next Monday, September 20th and will be operating throughout the business day. There will be traffic control by Police details, different locations but all on Rte. 28. The notice will be place on the Town's website.

PUBLIC HEARING:

A. Discussion and possible vote to approve - M.G.L. Chapter 138, Section 12, general - On Premise Seasonal Wine and Malt Liquor License for Ashwood Food Services Incorporated d/b/a Jake's at the Harbor located at 715 A Route 28, Harwich Port.

Ms. Anderson read: Notice of Public Hearing Town of Harwich Board of Selectmen application for Liquor License. Notice is hereby given under Chapter 138 of the General Laws as amended that application has been made to this Board for a Seasonal General On-Premise Wine and Malt Liquor License for Ashwood Food Services Incorporated d/b/a Jake's at the Harbor, Katherine Lomask Manager, on the following described premises located at 715A Route 28, Harwich Port, MA 02646, a food concession service with 50 outdoor seats. The building is 540 square feet. The Board of Selectmen will hold a hearing on the application on Monday, September 13, 2021 no earlier than 6:00 PM in the Griffin Room in the Harwich Town Hall, 732 Main Street at which time all interested parties are cordially invited to attend. Board of Selectmen, local licensing authority. It was in the Cape Cod Times August 30, 2021

Mr. MacAskill opened the Public Hearing and asked if anyone would like to speak on this. No response.

September 13, 2021

Mr. Howell moved to close the public hearing, 2nd by Mr. Ballantine. Vote 4:0 in favor, motion carried unanimously.

Mr. Ballantine is in favor of this and asked if the 50 seats are in line with the approved plan.

Town Administrator Powers replied that the 50 seats comports with what was anticipated and what will be finalized by site plan review.

Ms. Anderson stated, for the record, that the application is dated July 31st and the Chief's letter is dated late August and the hearing isn't until now. The delay was getting the application completed. There were parts that were missing. The delay was not on the town, it was on behalf of the applicant.

Mr. Howell is relieved to have the Snack Shack open and functioning as an asset.

Ms. Anderson moved to vote to approve - M.G.L. Chapter 138 Section 12, General - On Premise Seasonal Wine and Malt Liquor license for Ashwood Food Services Incorporated d/b/a Jake's at the Harbor located at 715A Route 28, Harwich with a seating capacity of 50, 2nd by Mr. Howell. Vote 4:0 in favor, motion carried unanimously.

CONSENT AGENDA:

- A. 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 50' +/- of 1-3" conduit under the public road from proposed handhold #202/H3A to handhold 202/H3B to provide new underground electric service to 149 Clearwater Drive
- B. Vote to recognize the month of September as National Suicide Prevention month and authorize the chair to sign the national Suicide Prevention Month proclamation
- C. Vote to accept donation in amount of \$55,000.00 to the Fire Department from Nicholas and Trina Stavropoulos in memory of their daughter Nicole

Ms. Anderson moved to approve the 3 items in the Consent Agenda as presented, 2nd by Mr. Howell

Chief David LeBlanc commented that Nick and Trina were unable to make it tonight. This is a very generous donation. They lost a daughter to a medical emergency and have always felt a strong obligation to give back to the community and to donate to public safety. The money will go to the masks the Firefighters wear to communicate. There will be a dedication, a plaque and an unveiling when they get the equipment. He appreciates their generous donation to the department.

Ms. Anderson hopes that anytime there is discussion with NSTAR, they point out the double poles.

September 13, 2021

Town Administrator Powers confirmed that no new poles are needed, there will be no double poles and he made sure that was part of the record.

Mr. Howell is grateful for the donation to the Fire Department and to the Chief for grants to keep the Department well equipped.

Mr. Ballantine commented that he is pleased they are supporting National Suicide Prevention. We've all been impacted by that so all we can do to raise that awareness, we should all get behind it.

Vote 4:0 in favor, motion carried unanimously.

NEW BUSINESS:

A. Discussion and possible vote to determine whether to continue or disband the Community Center Facility Committee

Mr. MacAskill commented that this topic has come up more than once, he has heard a few negative comments from the public that they are assassinating committees and that is not the case. Shortly down the agenda is the Housing Committee charge and next week there is another committee on the agenda. Our staff is doing a tremendous amount of work to organize the committees and the Board is bringing them forward when they see the need for conversation. He opens this topic with a member of the Facilities Committee if they are interested in talking about the Facilities Committee and its need.

Ralph Smith from Harwich Port asked why this issue is raised.

Mr. MacAskill replied that they are looking at all of the committees and this has been brought up a number of times over the last few years.

Mr. Smith continued that he sent an email to the Selectmen explaining why he thinks they should continue this committee and he stated his reasons. They support the Director, suggest and discuss programs and events, they help review the budget, discuss room rental rates etc. The committee doesn't cost anything, they're volunteers, they're enthusiastic about their jobs and they do more good than not having them would do harm. He suggested that the Selectman who is their liaison should attend their meetings and see what they really do.

Carolyn Carey, Director of the Harwich Community Center commented that the committee helps her and challenges her which makes her better at her job. They make sure they bring the public's voice forward, they have a representative from the Council on Aging and a representative from Youth and Recreation so that all parts of the building can be represented. She feels there is an appropriate scope of authority that is in no way diminishing to the Board of Selectmen or the Town Administrator. She has learned a great deal from the individuals who have served and helped her to make the Community Center better. They had a sitting chairperson who passed away and it did take a toll on the Board. They are willing to be up and running, there is a

purpose for them, they serve, give a public voice and help at activities and events. She thanks them for the countless years that they have put forward and she hopes the Board considers keeping them, they have been an asset.

Mr. Ballantine is the liaison but due to COVID, there hadn't been a meeting since he was assigned. He agrees with the comments and the action of the Committee speaks for itself. His concern is that he doesn't want the committee to get in the way of the normal operations of the town Administrator with all the departments and the staff. To the extent that they are an advisory committee and doing all the things they do, that's critical. He would like the Board to look at the operational communication and Administration reach so they make sure they're operating as smoothly and functionally as they can between the Town Administrator and all the committees.

Ms. Anderson is in favor of this committee staying in place. She can't imagine a reason to take volunteer residents and tell them that we don't want them. There is a document with 9 items the committee is charged with. If this is in conflict with the Director reporting to the Town Administrator lets revise the document.

Mr. Howell is in no way disparaging anybody's good efforts. He is aware of how this got started and gave a brief history. He is concerned that there is no analogous committee for any other operation in the public domain. Secondly there is nothing in the charter that suggests that a committee appoints its own member to go to another committee without the Selectmen selecting them. The appointment authority is pretty clear in the charter that it's derived from the Board of Selectmen. He was stunned to find out that Rec and the Council on Aging sent direct representatives that were never appointed by the Board of Selectmen. The third is that he is concerned about the line of authority. It's a mature building, you've got staff who have various programs operating in the building, and you can't impose any fee structures without the approval of the Board of Selectmen. The manager of the building reports as a direct report to the Town Administrator. At a minimum he would like to go through the charge to see what is of critical need for the committee. If we keep it, we need to clarify the line of authority. The town owns other buildings. This is the only building that has a Facilities Committee.

Town Administrator Powers commented that he does not have an opinion on that, it is the sole purview of the Board of Selectmen. It is their right to establish or disband committees as they see fit. He does add that to him it is undisputed that Carolyn Carey is exceptional at her job, especially in regard to the Community Center. She has the pulse and the beat of that building. Whether there is a committee or not, he knows that our Department head does her job exceptionally well and he can always rely upon her.

Ms. Anderson asked the Town Administrator if he feels there has been a problem with the Committee vs him being Ms. Carey's boss.

Town Administrator Powers responded that, personally no, but when he first started he wasn't aware that there was a committee because Ms. Carey has always been forward with information. A department head is a subject matter expert and Ms. Carey is a subject matter expert when it comes to the Community Center. However she derives her information, she does it the right way.

She is very conscientious and always first in with the budget and all the information that is requested.

Mr. Ballantine stated that he will be at the next meeting. As he listens to everyone, there is no one questioning the need for the Committee. He would like to have a discussion every 3 to 5 years just to re-look at what's going on.

Richard Waystack of Harwich Port commented that it's a great thing to look at committees. A number of committees question the role of the liaison. He has been a chairman on a committee for 17 years and usually once a year he will have a discussion with a liaison saying I'm here if you have issues. He thinks it's important to note a couple of things, what is the liaison's job, what is their requirement and from the chair of the committee to realize what that responsibility is. At the same time, he has been on 2 committees, they advise, they advocate, they don't make decisions. But there is a need for the committee. He feels the Facilities Committee still has a roll and should be there.

Mr. MacAskill commented that he was reminded of the same, when he looked at committees, the rolls off committees and all the department heads. This is the only building that has a committee. It's technically a committee for the Director. Every department head has a committee and every department has a committee. In general, he absolutely agrees with what has been said and the direction that he would give would be for Mr. Ballantine, as a liaison, to be join the agenda of the next meeting for the discussion of the charge. Also for Mr. Ballantine to come back and they will have a joint meeting between the Facilities Committee and the Board of Selectmen and discuss whether there needs to be charge change or not.

Mr. Ballantine stated that his practice has always been to attend all the meetings of the committees for which he is a liaison. There are always some questions on procedure that he can help with and to inform.

Mr. Howell does not argue that the Committee has functioned in the past and doesn't want to turn off volunteers. Apart from the charge, he feels they need to address how people arrive at that committee. There is absolutely no similarity between the Council on Aging and the Rec Youth sending their designated person to that position automatically and everything else that's in the charter. The charter presupposes that all the appointments made to volunteer committees is made through the Board of Selectmen. It would help if they knew there was a relationship and everybody understood who is doing what, just to clarify that. The issue of the charge is different. Other committees have that model where there is an ex-officio member designated from whatever committee. We have in the past chosen not to appoint a particular person they had offered but asked them to nominate another person. It's always been nomination and then a confirmation and this does not operate that way.

B. Discussion and possible vote to approve the Board of Selectmen Public
Hearing Minutes - May 12, 2021

Ms. Anderson moved to approve the minutes as presented, 2nd by Mr. Howell. Vote: 4:0 in favor, motion carried unanimously.

September 13, 2021

Mr. MacAskill noted that C and D will not be addressed, they are related to the Executive Session topic. They will be addressed next week.

E. Discussion and possible vote to finalize the 2021 Special Town Meeting Warrant and send to Finance Committee for recommendations:

- * Fund costs Related to Updating the Comprehensive Wastewater Management Plan (CWMP)
- * Fund Costs Related to Additional Wastewater Collection system Design
- * Fund Costs Related to Route 28 Wastewater Collection system Design
- * Create a Wastewater Stabilization Fund
- * Create an Affordable Housing Special Purpose Stabilization Fund
- * Amend Room's Tax Rate per M.G.L. Chapter 64G, sA
- * Fund Non-Union Personnel Wage Increases
- * Fund Negotiated Contract - Fire fighters
- * Fund Negotiated Contract - Water Department
- * Transfer of surplus Bond Proceeds
- * Land Taking by Eminent Domain
- * Purchase and Equip a Fire Department Ambulance
- * Fund prior Year's Unpaid Bills

Ms. Anderson moved to finalize the Special Town Meeting Warrant and send to Finance committee for recommendations.

Mr. MacAskill stated that they will go through each individually as this is the appropriate time for the Board to vote whether they're going to support them or not support them.

Town Administrator Powers asked that, as they go through, they assign the Article number.

Mr. MacAskill notes that the first 4 are all related to Wastewater and Russ Klekamp from GHD is here. Also Dan Pelletier, the Wastewater Superintendent is here to answer questions. Once they are past the questions, he will look for a motion to support each Article individually. They will record their support and at the end record the final Warrant. As The Articles are read, they will assign the numbers and talk about funding costs.

#1: Fund Cost Related to Updating the Comprehensive Wastewater Management Plan (CWMP) in the amount of \$250,000.00.

Mr. Pelletier noted that the questions they will address touch on all 3 Wastewater issues. They are requisition funds to update the CWMP as well as to move forward with completing some design work.

Russ Klekamp, Engineer with GHD explained why the funds are requested. There were a number of items in the packet they assigned some budgetary numbers. They had a short period of time to come up with some numbers for upcoming Wastewater work. These numbers cover the work to be done but they're not overinflated. The CWMP had a budgetary number of

\$250,000.00 and that is not the scope of the engineering fee if GHD is asked. If asked they will come up with a finite scope, they have provided a memorandum. They want to get the revisions done as close as possible to have a finite path. They feel as a budgetary number, it is appropriate and the final scope spells out what they will and will not do. That determines the final engineering amount.

Mr. Pelletier adds that when talking revisions, they are talking about growth projections town wide.

Mr. Howell wants to hear that this is not just to pick up and just start up doing what they had already been doing. This is to examine the premises to do something intelligent with the here and now.

Mr. Pelletier clarified that they are not intending to pick up the CWMP that was previously implemented by the town. They are looking to revise and switch directions.

Ms. Anderson noted that a certain amount per hour had been previously discussed and wanted clarification.

Mr. Klekamp replied that this is a budgetary number so the town allocates enough funds. When it comes time for the contract, he strongly recommends that it be worded not to exceed \$250,000.00 based on hourly billing. On every invoice will be the hours. If they don't spend it, they don't bill for it. There are so many aspects, it's difficult to project a sum, this is fair for the town and the consultant.

Mr. Ballantine commented that the CWMP was always to be a living document where the intent was to periodically reexamine it. This is money well spent, we need to examine it and be sure we're comfortable moving forward. He strongly endorses this.

Mr. MacAskill mentioned the American Rescue Plan Act of 2021, where they said they might get the money for this, we cannot do that. That 1.2 million cannot be used for engineering services. This proposal is to pay for this out of Free Cash if the Board agrees with it. We will refer to this as Article One.

Mr. Chorey asked Mr. Klekamp if what he just said is outlined in the letter from Mark Dainville. He also noted that on the project schedule, it lines out a timeline of deliverables. Task 3 of that table says "Notice of public change or other mechanism as defined by the MEPA approximately 4 months" He asked if that 4 months added to when the report is finished which would push that out to July of next year.

Mr. Klekamp replied yes, what he said is outlined in the letter from Mr. Dainville. They are hoping to get the CWMP revised by the spring next year. There is a public review period by MEPA and that is what the 4 months entails. Their intent if they get authorization after Town Meeting is to have the CWMP completed no later than summer of next year. The summer would include MEPA. MEPA is the Massachusetts Environmental Policy Act.

Mr. Pelletier added regarding the date with MEPA, it is still dependent upon what we're looking to change, whether they will have to go through the full MEPA process or not which would affect the waiting time.

Ms. Anderson moved to vote to accept and adopt Article One Fund Costs Related to Updating the Comprehensive Wastewater Management Plan (CWMP) for \$250,000.00 to be funded out of Free Cash, 2nd by Mr. Howell. Vote 4:0 in favor, motion carried unanimously.

Article Two: Fund Costs Related to Additional Wastewater Collection System Design in the East Harwich area for 2.1 million dollars, funding source Free Cash.

Mr. Pelletier notes that working towards the initial part of the CWMP process and getting into design, this would be to pick up where that left off.

Mr. Klekamp says that they are looking to sewer the 4 sub-water sheds and there is a certain amount of nitrogen that has to be removed from those. He spoke of the fixed expenses of the treatment plant and it would be in Harwich's best interest to maximize that flow to Chatham. In order to do that you have to have a collections system. They have come up with a total linear footage of the sewer mains, 48 to 50 thousand linear feet. It's approximately \$35.00 to \$40.00 a foot plus pump stations etc. and depending on the final layout of the sewers will determine the final engineering cost. He referred to an email from Sandy and Clara McCurdy. The question of IA's (Innovative Alternatives) comes up, which will be part of the CWMP review. He explained the cons to that for the watersheds including that an IA system is like a mini treatment plan in front of someone's house. That person has to be dedicated to the operation and maintenance of that system. If someone, for instance, turns off a blower, it has an effect on the others. There would be close to 600 so they know they're going the direction of a collection system. He referred to information given at the last meeting regarding the gravity systems, where they can and cannot reach and he described the options. There may be small clusters where IA systems can be reviewed. If this gets a positive vote at Town Meeting, they will move forward with contract negotiations. They also want to put Harwich in the best position for Federal funding. Having the shovel ready plans ready as soon as possible may open the door to a nice grant or some relief or offset from the Federal government.

Mr. Pelletier adds that the 2.1 million they are bringing forward at Town Meeting is to sewer the minimum nitrogen removal requirements as identified in the targeted Watershed Management Plan. They are looking to position themselves to meet the baseline removal requirements.

Mr. Ballantine suggests that what people should think about is that we are required to move a certain amount of nitrogen which leads Harwich to not have to sewer the whole town. If we use IAs, we would have to increase the number of houses that have to be sewered. There are some areas based on density, that IAs make more sense. We will have to be open minded. The whole point of this is to remove nitrogen.

Mr. Klekamp noted that in other towns, any new construction within 100 feet of a water body in areas that don't have sewers, have to put in an IA.

Ms. Anderson is convinced that this design is to do the minimum that they have to do and taking advantage of Chatham where we are already paying for capacity that we're not using. This makes financial sense to her.

Mr. Howell asked if this is going to wind up completing the third contracted East Harwich of the defined read that were originally started with or are we taking this to be a fresh look at all of the sub abatements that still need something to be treated and that's where this one is going to go.

Mr. Pelletier replied that 2.1 is prioritized for sewer design in the Pleasant Bay and Round Cove sub-watersheds which are the 2 in the northern portion of East Harwich. We will have to pick up where we left off either on 39 or on Church Street to have a continuous system.

Jon Chorey referred to the information about the deep dive that was provided 2 weeks ago, specifically one slide in the Pleasant Bay Alliance packet stating that we are on track for nitrogen removal. If we are on track to meet our nitrogen attenuation levels, he feels we should first get the revision of the CWMP and then go back to Town Meeting and ask for the 2.1 million. He asked how many homes they expect to do in Phase 3, what the estimated construction cost would be for those homes and how long Phase 3 will take.

Mr. Pelletier stated that the attenuation rate that changed are in Upper and Lower Muddy Creek to suggest the we overpowered or got more credit, the attenuation rates in Pleasant Bay and Round Cove watershed have stayed stagnant. Where we did realize a benefit in one area, we don't have the same benefit in the other. He spoke of the first 5 years and nitrogen removal obligation also for the second 5 years. We are currently at year 3 in the first 5 year window so technically we could wait until the other work was done. However, if we waited we may not have the opportunity to get funding. His confidence lies in the new date that doesn't indicate an attenuation rate change in the remaining sub-watersheds and the benefit of having the shovel ready project.

Mr. Klekamp added that when it comes to infrastructure projects, if it's something you know you need to do, if you wait it'll cost you more. There will be 450-600 homes being sewerred. It could be \$25,000.00 to \$75,000.00 per house and it will take 4-6 years to complete Phase 3.

Mr. Howell commented that in looking at the maps, there are certain sections that we over-sewerred. It's not just a piece of real estate you're trying to take the nitrogen out of, there are different areas. This it's merely for us to move forward, we are hoping to be looking at those other areas that we have not done. That's what we need to concentrate on.

Mr. MacAskill commented that, we continue to talk about over sewerred but we have not hooked one home yet. What we continue to talk about projections and what we're required to remove today, not what 10 years is going to look like. Sooner or later we will have to treat more than we are now and we will not be able to do that with IAs.

Ms. Anderson moved to vote to accept and adopt Article Two Fund Costs Related to Additional Wastewater Collection System Design for 2.1 million dollars funded out of Free Cash, 2nd by Mr. Howell. Vote: 4:0 in favor, motion carried unanimously.

Mr. MacAskill stated that the next article is not on the agenda but it is in the packet and the Warrant. He has had conversations with Mr. Pelletier who was going to speak to the Town Administrator. Before they add this on for the Board vote on \$400,000.00, he asked Mr. Pelletier if he had gotten anywhere with the conversation they had.

Mr. Pelletier replied that he is still waiting for a return communication.

Mr. MacAskill explains for the public, what that means is, there's about a million or just over a million left in Contract 1 and Contract 2 in East Harwich and this could be funded out of that money, if Mr. Pelletier gets confirmation. If this is voted tonight it could be done with the intent that Mr. Pelletier will be back to them to potentially remove it. Mr. MacAskill asked Mr. Pelletier what engineering on this has already been done since these 2 roads were scheduled to be done in Phase 2 Contract 2. Are we going to get a credit for the engineering that's already been done or homework that will save us some money with GHD.

Mr. Pelletier replied that he is still waiting for response. He has asked numerous times as to where the design drawings were for the streets that were removed from Phase 2 Contract 2. We were under contract with CDM Smith for them to produce design drawings for all of the Phase 2 area. We have not received drawings for all of the Phase 2 area. He has made the request for the streets that have not been done and that will certainly inform and either allow us to accomplish or greatly reduce the scope that is in the packet tonight.

Mr. MacAskill asked if Mr. Pelletier needs a request from the Board of Selectmen or if he thinks his request is enough.

Mr. Pelletier replied that he hopes his request would be enough and he will be back next Monday if he doesn't get a response.

Mr. MacAskill commented that the Board can vote this as Article 3 with the intention to remove it after further conversation and they can remove it even on Town Meeting floor.

Mr. Ballantine moved to approve the funding for Continental Drive and Widdah Drive contingent on the response we have from the Wastewater chair.

Ms. Anderson agreed and feels that we owe it to the people who live on Continental and Widdah who followed bad advice from us.

Mr. Howell votes to have it put on the Warrant because that's the first step. He cannot believe that a prior administration actually told people to get an engineer and start spending money. He feels badly about them because they did rely on our advice corporately. There's nobody here at this table that gave them that advice. It is news to him that this might be accomplished within the funding that you had and that's why he was asking about moving the ball forward on the other articles. He will not be voting for this in terms of supporting it but he is supportive that the Town Meeting have the opportunity absent the funding being available.

Mr. MacAskill commented that “already achieved” is a broad statement and he doesn’t think any of them can say they’ve achieved anything except for putting water pipes in the ground. If we are going to go by these roads anyway, which we are, it makes no sense not to collect from those neighborhoods.

Mr. Chorey confirmed that it is 57 homes and he was given the construction cost of \$25,000.00 to \$75,000.00

Mr. Pelletier added that if it can be done through a change order, it can be done under the unit pricing that the project was bid under. The bid for that project was open in 2019 and we’re not going to get a cheaper price in 2021. One of the things that allowed them the benefit of saying over sewerage was that there was a break in a North Chatham beach which is in the process of closing. It has a 100 year cycle of opening and closing and the hydrodynamic conditions that we were in previously are likely to come back.

Mr. Chorey asked, if we sewer those 57 homes, if we get nitrogen attenuation credit.

Mr. Pelletier replied that the way the formula is now it would show a surplus in removal credits. However, that surplus is contingent upon the natural cycle that is Pleasant Bay and could change. So while we could be getting surplus credits today, we may have just enough down the road. To the 300,000 gallons of attenuate that we purchased, right now the attenuation rates would suggest that we don’t have to hit the 300,000. However we have purchased it and these homes would put a dent in that extra capacity purchased.

Ms. Anderson moved to accept and adopt Article 3 Funding Costs Related to Widdah and Continental Wastewater Collection System Design in the amount of \$400,000.00 to be funded from Free Cash, 2nd by Mr. Ballantine. Vote: 3:1 Motion carried.

Article 4: Fund Costs Related to Route 28 Wastewater Collection System Design

Mr. MacAskill states that this is an Article related to putting some dry pipe in the ground under Route 28 before Mass DOT does their paving project. Once Mass DOT does their paving project, there is a 5 year moratorium on cutting that pavement along with, patches are never as good as the original surface.

Mr. Howell supports this, there’s no question that this is an area of town or potential route for piping that we will need at some point because we haven’t been begun in that area. He thinks it’s important that we have that option. From what he knows from the DHY discussions there’s at least a possibility of getting a partnership together with an adjoining town and that would clearly be to everybody’s advantage.

Ms. Anderson is in favor, it financially makes sense for all the reason previously stated.

Mr. Ballantine feels the same.

Mr. Chorey asked how many homes we could pick up from this and where it is going to go.

September 13, 2021

Mr. Klekamp responded that they had looked to put pipe in the ground from the town line in Dennis to the bridge over the Herring River. The Town of Dennis is sewerage from Rte. 28 north on Division Street so we will have a pipeline there. He is confident that they have the information they need to both pitch and design the pipe and also size it appropriately for the future. If we do it now we have a massive saving from the DOT paving over all of this or wait 8 years. We can save millions now or we can pay millions more later.

Ms. Anderson moved to accept and adopt Article 4 Fund Costs Related to Route 28 Wastewater Collection System Design in the amount of \$200,000.00 funded from Free Cash, 2nd by Mr. Ballantine. Vote: 4:0 in favor, motion carried unanimously.

Article 5: Mr. MacAskill states, this one is to create a Wastewater Stabilization Fund and the discussion on this is to create a fund to be used for wastewater infrastructure and 25% of room's excise tax collected by the Town of Harwich would go into said fund. Based on the projected numbers, that equals about \$350,000.00 a year under current collection from room's tax and that's based on the 4% that the Town of Harwich gets.

Mr. Howell thanks Mr. MacAskill for sequencing it this way. He feared they would approve a higher room's rate without actually tacking on where it's going to go so everybody knows first.

Ms. Anderson moved to accept and adopt Article 5 Create a Wastewater Special Purpose Stabilization Fund, 2nd by Mr. Howell. Vote: 4:0 in favor, motion carried unanimously.

Article 6 Mr. MacAskill stated that next is Create an Affordable Housing Special Purpose Stabilization Fund. 25% of the current room's tax would be put to this fund as well. That number should come to around \$350,000.00 per year.

Ms. Anderson moved to accept and adopt Article 6 to Create an Affordable Housing Special Purpose Stabilization Fund, 2nd by Mr. Howell. Vote: 4:0 in favor, motion carried unanimously.

Article 7 Mr. MacAskill states that the next one is to Amend the current room's tax rate from 4% to 6% to take effect January 1, 2023.

Mr Howell noted that the way this is sequenced, by the time it gets voted, we would already have determined as a town, where that money's going to go to, it's not going to get dumped into General Revenue and spent out each year.

Ms. Anderson moved to accept and adopt Article 7 Amend Room's Tax Rate from 4% to 6% to take effect on January 1, 2023, 2nd by Mr. Howell. Vote: 4:0 in favor, motion carried unanimously.

Article 8 Mr. MacAskill states that next is to Fund Non-Union Personnel Wage Increases. It was put to the Warrant last week, we now have a number which is \$39,843.00. This is to fund non-union personnel covered under personal services contracts.

Town Administrator Powers explains that it says personal services contract and/or the personnel bylaws. The figure reflects personnel bylaw only

Mr. MacAskill states that on this one they had an option for funding which would be offset by FY2022 estimated revenue of rooms tax or pay for it by Free Cash and that's a conversation the Board did not have.

Mr. Howell has no strong feeling on it right now.

Ms. Anderson suggests they use Free Cash.

Mr. Ballantine was concerned about the timing. They're looking at a percent going into Affordable Housing and the Wastewater. Now they have to be careful not to violate their own, this impedes the Warrant Articles.

Carol Coppola Finance Director did not estimate revenue with regard to short term rental tax for FY2022. Therefore you will have surplus revenue but it makes no difference.

Ms. Anderson moved to accept and adopt Article #8 Fund Non-Union Personnel Wage Increases in the amount of \$39,843.00 from Free Cash, 2nd by Mr. Howell. Vote: 4:0 in favor, motion carried unanimously.

Article 9 Mr. MacAskill stated that next is the Fund Negotiated Contract with Fire Fighters Union which is in the amount of \$86,957.00 and the funding source can go either way.

Ms. Anderson moved to accept and adopt Article 9 Fund Negotiated Contract - Fire Fighters in the amount of \$86,957.00 from Free Cash, 2nd by Mr. Howell. Vote: 4:0 in favor, motion carried unanimously.

Article 10 Mr. MacAskill stated that next is Fund Negotiated Contract with the Water Department in the amount of \$38,245.00.

Ms. Anderson moved to accept and adopt Article 10 Fund Negotiated Contract - Water Department in the amount of \$38,245.00 from Free Cash, 2nd by Mr. Howell. Vote: 4:0 in favor, motion carried unanimously.

Article 11 Mr. MacAskill stated that the next one is Transfer of Surplus Bond proceeds in the amount of \$219,894.56.

Ms. Anderson moved to vote to accept and adopt Article 11 Transfer of Surplus Bond Proceeds in the amount of \$219,894.56 to pay the cost of acquiring the Fire Quint Apparatus, 2nd by Mr. Howell.

Dale Kennedy of Harwich Port and the Finance Committee stated that they appropriated money for the Quint about a year ago and he asked for an explanation of what this money is for.

September 13, 2021

Carole Coppola, Finance Committee Director explained that at the previous Town Meeting, the town voted to appropriate funds to borrow fire apparatus called a quint. This would reduce the amount of borrowings from \$1,086,000.00 to \$219,000.00. The construction of Fire Station 2 came in well under budget. Those funds had already been borrowed so we need to transfer those funds to another project.

Mr. Howell commented to remind everybody that the Fire Building came in under budget.

Vote: 4:0 in favor, motion carried unanimously.

Article 12 Mr. MacAskill stated that next is Land Taking by Eminent Domain. The last discussion was that it is related to a parcel on Pleasant Lake Ave also known as Route 124, identified as Assessor's Map 82 Parcel R5. This would be an estimated cost of \$25,000.00 out of Free Cash. A more accurately description is across from the Park and Ride, the land that the town just purchased through its Housing Trust which was also known as the Marceline Property. There are 2 acres in between the land that the town just purchased. It is not accessible, it is locked in between what the town just purchased and the titles are a mess. It is "Owners Unknown" land so this is a request for Town Meeting to allow the Selectmen to take it by Eminent Domain for Affordable Housing purposes.

Mr. Howell spoke on behalf of the Trust, they had always contemplated purchasing the Marceline Property in conjunction with this, and it bisects the 2 major parcels which would create an unfettered 15+ acres to develop.

Ms. Anderson moved to vote to accept and adopt Article 12 Land Taking by Eminent Domain, Pleasant Lake Ave. Route 124 identified as Assessor's Map 82 Parcel R5 for an estimated cost of \$25,000.00 funded from Free Cash, 2nd by Mr. Howell. Vote 4:0 in favor, motion carried unanimously.

Article 13 Mr. MacAskill stated that next is to Purchase and Equip for Fire Department Ambulance \$378,676.00 to be paid for out of Free Cash. He asked Chief LeBlanc for a brief explanation of why we are doing this now and not at the Annual.

Chief David LeBlanc explained, everyone is aware with the pandemic of the microchip shortage that caused GM and Ford to shut down their plants. There are thousands of trucks sitting on the lot waiting for chips. With that, the estimated time to build an ambulance has gone from 8 months to over year. We replace ambulances every other year, we bought one in September, and this will put the ambulance replacement out almost to 3 years. That creates a domino effect with every other ambulance we have to replace after that. Also it is a savings of about \$4,000.00 due to projected price increases.

Ms. Anderson moved to vote to accept and adopt Article 13 Purchase and Equip a Fire Department Ambulance in the amount of \$378,676.00 funding from Free Cash, 2nd by Mr. Howell. Vote: 4:0 in favor, motion carried unanimously.

Mr. MacAskill states that next is Fund Prior Year's Unpaid Bills. This is a customary Article at the Annual Town Meeting. The amount is \$8,085.33.

Linda Cebula asked how much Free Cash did we started with.

Mr. MacAskill replied that we started with roughly 6.3 million.

Town Administrator Powers noted that there may be a few scattering of bills, the dollar amount may increase and they don't expect it to be significant. They will endeavor to get that done before the final vote next week.

Ms. Anderson moved to vote to accept and adopt Article 14 Fund Prior Year's Unpaid Bills in the amount of \$8,085.33, 2nd by Mr. Howell. Vote: 4:0 in favor, motion carried unanimously.

Town Administrator Powers updated the Board and everyone present, later this evening this will be updated to reflect the actions of the Board and the numbering will be added so that in the morning it will be translated directly to Mr. Chorey, from the Board, to the Administrator to the Finance Committee. The Board could do these things for a Mutual Meeting for Annual Meetings. The Finance Committee is expressly prohibited from joining in this meeting. They will be having a similar meeting of their own Thursday evening September 16th and it's hoped that the Finance Committee would then make their recommendations that he can record and bring back to the Board. The Board can finalize, close the Warrant and sign it next Monday the 20th, giving us ample time to meet the requirements for posting and then they will begin the work on the Motions themselves.

Mr. MacAskill would like to take I and J ahead of F, G and H and leave the end of the meeting to discuss Housing.

I. Discussion Procurement process - Brooks Free Library Board of Trustees Letter

Town Administrator Powers noted, regarding the Charter, Chapter 4 which is responsibilities of the Town Administrator. Under Section 3, Duties of the Administrator, on the clause 4-3-2 and subclass I, it reads as follows: "The Town Administrator shall be responsible for the purchasing of services, supplies, materials and equipment for all Town Divisions, Departments and Offices excepting those for the Water Department and for the Brooks Free Library. The Town Administrator shall execute all contracts for goods and services on behalf of the Divisions and Departments under the jurisdiction of the Town Administrator subject to the approval of the Board of Selectmen. The Board of Selectmen may delegate its approval authority to the Town Administrator for certain classes of contracts." This means there is a separation because those 2 areas are represented by duly elected Board members. Administration has and remains in partnership with all Departments that seek information, assistance or direction on procurement. The Charter prohibits him for doing it but it does not prevent him from collaborating with them and that is how they have been doing it.

Mr. MacAskill commented that based on other conversations he has had with the Town Administrator, he is putting emphasis on having Department Heads taking the lead on their projects and do some of the follow through on their projects. He asked for an outline of what he doing and fill some of the gaps in the procurement that they have.

Town Administrator Powers adds that neither the Assistant Town Administrator or he are electrical engineers and in those instances Administration tasked the lead, he has a line item called other, professional, technical services, that has some modest funding. We presently have an electrical engineering firm represented by Kevin Murphy that we've used for Whitehouse Field and also Brooks Park lighting and things like that. He and the Assistant work with Department Heads, a Department Heads is not only a subject matter expert in their department but also has a leadership responsibility for budget management, personnel management and procurement management. Most often the Department head identifies an Article or Budget Line Item that allows for the funding source, they describe the service or supply they are looking to purchase, he reviews it to make sure it comports with Chapter 30B, the Finance Director makes sure the funding is there and we give them authorization to proceed. In most cases they seek 3 quotes, select the best quote and they go from there where Administration provides the contract. If it's \$50,000.00 and under, he has been signing it with the Finance Director confirming funding otherwise it goes to the Board with a memorandum from Administration.

Mr. Ballantine commented that a few years ago, we lost our way. The needs of the Departments were driven by the top down approach. It seemed to make more sense for the Department Heads to identify their needs and then bring it to Administration to get it done.

Ms. Anderson referred to the letter that was signed by all of the Library Trustees. It didn't make sense to her and she asked if it is something new.

Town Administrator Powers replied that it is the first he has seen the letter and he was unaware of that thought process. He can't change Charter, there is a process for that. Some portion of what he read had been amended by an Article at Town Meeting in May of 2016. The town changed that Charter reference somehow to indicate that the Administrator must be responsible for all matters that fall under the Board and should not be responsible for matters that fall under other political entities. We have a Charter Review Committee and that is where this would go if we are looking to have that happen. No Department head is left on their own, the Administration is active in the partnership.

Ms. Anderson asked to clarify that the Town Administrator is looking for the Library to come to him with their project and he would then assist them in drafting the appropriate language to create a bid.

Town Administrator Powers replied, that is correct. The specific point related to this letter is that, this is not something that he is foisting upon somebody but he is expressly prohibited by the Charter from taking on those responsibilities.

Joanne Brown, Chair of the Library Trustees commented that she was the chair when she began 16 years ago. In every meeting they had there were discussions about problems with the

furnace, the problems with the lighting, the problems with the air conditioning, the problems with the fire alarm the smoke alarms, things going off at the wrong times and there being no way of helping. One of the things she started was trying to help Ginny plug away at this and the rest of the Trustees have done that. When the library had been remodeled and rebuilt, there were citizens in charge of overseeing the signing off on this building and there were air handlers within the vents that they found out 8 years later had not been unwrapped and were not functioning properly. Ginny is a Library Director. It was said at one of the Finance Committee meetings that she should be an expert an engineer of the electrical systems, the climate control systems and everything else in the library which she found overwhelming. When Sean Libby took over the facility's management, we finally got the library to be functioning better physically. There are still problems. She had the course in procurement but she can't say how the electrical problems need to be fixed, how the furnace needs to be fixed and how the lighting needs to be taken care of. The Library Trustees are not experts in that area either. We can say if we need help with something but even when we had a Town Engineer, we received very little assistance. She and Jeannie Wheeler have tried to be the Building and Grounds Committee and it was like pulling teeth to get anything done. She doesn't understand why, after things have finally settled down, we have to take over this role again.

Town Administrator Powers responded that what he was speaking to was Chapter 30, general procurement, supplies and services. He was not aware that this discussion related to facilities. Facilities management remains with DPW, they remain under Lincoln Hopper's supervision and his direction.

Ms. Brown continued that the way it was worded, it sounds like it's all thrown back. Town Administrator Powers replied, that is not the case. He is not aware presently that there are facility issues going on but he can get to the bottom of that immediately. That is not something that they rely upon any Department Head for and they do rely upon our DPW and Facilities Management Team. They would look to partner with Ginny for her help to tell us when she thinks things could be done around the programs but with regard to procurement for Facility's Management, no, building items do not go through Department Heads. He will need to research this further that is not what he was made aware of. He will seek to get that discontinued. Ginny is not responsible nor is any Department head specifically for ensuring that the buildings are maintained. That's why we have the Facilities Department and they are supported by the Administration and Procurement.

Mr. Howell commented that what she is speaking to is something that was occurring broadly throughout the government in the early 2000's. The style was, if you have a problem with the phone system, it's your problem. It took years to get a Maintenance Department together.

Linda Cebula is also on the Board of Trustees for Brooks Library. She is grateful for this conversation because they were confused and concerned that Ginny was now to be asked again to be the electrical engineer on a project. We have no issue with our Department head buying supplies, that's what she should be doing. She is relieved to have this conversation and she appreciates it.

Town Administrator Powers states that it's never been this Administration's effort to have any employee do that. First and foremost, it's illegal. What was mentioned was building maintenance and that's why this Board was asked and they had a member serve on the design selection. It's incumbent upon the town to procure and hire those individuals. The process that he outlines is strictly for MGL chapter 30B Supplies and Services.

J. Status of Request for Proposals

1. Bank Street
2. Bells Neck
3. Willow Street

Town Administrator Powers refers to a memorandum from the Director of Public Works. The bid opening for 5 Bells Neck Road aka the West Harwich School House was scheduled for September 9, 2021 at 2:00PM. Link Hooper DPW Director along with Sean Libby Facilities Maintenance Manager received the bids. The bid opening procedure began at 2:02 and was concluded at 2:06. There was a sole bid from Historic West Harwich Schoolhouse, LLC in the amount of \$1.00. As Chief Procurement Officer he is availing himself of the opportunity to evaluate that and make recommendations to the Board as to what the next steps would be. That is the net result to the RFP.

Mr. MacAskill commented that he sent the RFP to the Board to see why they only received one response. He will put this back on the agenda next week. He hopes this Board will reject that proposal and we can look at the RFP to figure out what we need to do. One dollar is not going to give the town anything and it's going to cost a lot.

Town Administrator Powers replied that based on the information, that's the recommendation he is leaning towards. The town has a fiduciary responsibility and that doesn't meet it.

Mr. Howell notes that there was an RFP that HECH wound up winning about 17-18 years ago and while there has been a vast amount of attenuation, there used to be a dry cleaner in Dennis and its underground water flow with toluene, benzene and other things. There was enough of a level where it was a concern for full time residency living in a building but not enough so that if you wanted to do programmatic stuff for periods of time during the day. He urges the Town Administrator to get a hold of that and see what the status of it is right now.

Mr. MacAskill states that there are test wells, they have done extensive work on this over the past 7 years. All the test wells show that the plume has moved and it's not coming up there.

Town Administrator Powers continues, with regard to Bank Street, he has not had an update but they had surveyor Paul Sweetzer under contract. We need a definitive determination as to whether there needs to be a wetland. Once that's done, that dictates the next steps for the RFP and that was to be done the middle of this month and he'll have something this week. Regarding 70 Willow Street, the Board voted a year ago to agree to a boundary change that was recorded with the registry of Deeds. He is evaluating whether it has to be re-offered as surplus before they can dispose of it. If that's the case, he will come back before the Board for that purpose by the last meeting of the month.

Mr. MacAskill comments that given the hour he will put the back on the agenda next week but we'll have a conversation now for those who came. Given the time and that they have to go back into Executive Session, they can't give it its full justice. The Wastewater conversation and Articles had to be given the time the public wanted which took longer than expected.

F. Board Discussion - Housing

Mr. Howell referred to the meeting of the Affordable Housing Trust. They discussed at length their problems with having a housing coordinator as a contractor and what that has meant to staff support over the last 1- 1 1/2 years. They were all in favor of moving to an in-house strategy. This committee shouldn't be disbanded. It needs to work in concert along with the Trust. The Trust is something that came along recently. He just reviewed the legislations and he's be happy to have a deep dive. There's definitely a place for this. The Trust is not set up to create public awareness and public support for housing. It's a mechanism to buy some property and talk about plans to implement building something

G. Discussion - Harwich Affordable Housing Trust Housing Coordinator

Mr. MacAskill notes that we have had CDP and he thinks the Board's commitment to affordable housing now warrants a more full time or part time but in-house employee. The Brewster model started at 19 hours a week, went to 25 hours a week, CPC pays for the coordinator and the town pays the benefits. He is disappointed in every article he reads in the Cape Cod Times or the Chronicle related to housing. The misquotes from this Board or the quips from Jay Coburn about density or what other towns are doing and what Harwich is balking at, it's at least 50% of it is wrong. We need to move in a direction that we have a dedicated person working on housing, not a person that we're getting from an organization that ultimately profits from large housing projects.

Ms. Anderson stated that she got an Ad Hoc group together to talk about housing. The Housing Committee "disappeared" feeling like they had no support and no direction. They just stopped meeting. They would like to meet and set up who should be on that committee and what their charges should be. She suggested they work on it next week rather than play with it tonight. She spoke with Donna Kalineck who is the Assistant Town manager in Brewster and she will meet with her again this month. She said their motto is "it takes a village to build a village". What they have that we are lacking, is having all the groups work together, the Trust, the Committee and the Authority which are the state people. She had a great housing seminar talking about what makes housing work. What we're missing is consensus on goals, density, bringing in outside technical support and a strong partnership.

Mr. MacAskill stated that he does like density if it benefits the Town of Harwich. The 40B projects with 92 units where we get 20%, make no sense. Controlling our own destiny is something we've talked about and we have the tools to control our own density and our own future, not have 40B law, an antiquated law, continue to put large housing projects and give us very little benefit. The Housing Trust Coordinator is where this all begins.

Ms. Anderson states that the AD HOC group agrees that a Housing Coordinator should be employed by the Town and should report to the Administrator or his designee.

Mr. Howell commented that his concern is that it's similar to what a Planner or Conservation Agent is. He can see day to day management being but it has to be responsive to the policy that's coming out of the Trust because that's how it was sold originally. The original Article that was adopted clearly speaks to and so does the state legislation, to the part-time Housing Coordinators being a resource for the Trust. He agrees with the day to day management of it and it has to be funneled through organizational structure but the policy dictates have to be given by virtue of the Board that it's working to assist.

Mr. Ballantine commented that he's not sure what Mr. Howell said.

Mr. Howell replied that the Town Planner doesn't take direction from the (inaudible)

Mr. Ballantine continued, you're saying that it's not direction from the Town Administrator but by direction from policy set by the Board of Selectmen

Mr. MacAskill added that the Board of Selectmen is the policy maker for everything else and the Town Administrator runs the town. This would be the same. The Housing Trust would create the policy and the person would be administered. It's no different than what we already have.

Elizabeth Harder, Chair of the Harwich Housing Authority does not agree that the coordinator position be solely under the aegis of the Affordable Housing Trust. What they need is an in-house coordinator who will work with the Trust and her group and developers and anyone that has a good idea. She thinks it should be under the Planning.

Mr. MacAskill stated that, that is what Mr. Howell just said.

Ms. Harder replied that Mr. Howell made it sound like the Coordinator was going to do whatever the Affordable Housing Trust told the Coordinator.

Mr. MacAskill explained that policy would be set by the Housing Trust based on how that was voted at Town Meeting. The day to day would be administered by the town Administrator.

Mr. Howell stated that, that is what he was driving at. The Town Planner doesn't get direction from either the Board of Selectmen or the Town Administrator for zoning changes, those come from the Planning Board. There are 2 different types of management going on, policy management and day to day operations management. We made an explicit move at the last contract with the CDP to share the coordinator explicitly with other housing entities and that never happened, despite the fact that they told them they were available to the Housing Committee and for whatever it is, that they need to develop.

Ms. Harder thinks it might want to be discussed that the coordinator needs to be responsive to all interested parties which includes the Planning board and the Zoning Board and the Housing Authority.

Mr. MacAskill agreed but asked what Ms. Harder's recommendation would be under who that person answers to because that person can't answer to 5 different people.

Ms. Harder replied that, that person should answer to Town Administrator Powers, not to the Affordable Housing Trust.

Mr. Howell noted that it's not a procurement, it's a hire. And it's a hire that's coming from the Housing Trust's money. The CPC allocates that money to the Housing Trust. There is no budgeting ability for the Housing Committee.

Ms. Harder replied that it was approved for a Housing Coordinator for all. It did not say just for the Housing Trust. You brought the Article to us but it did not say for the sole purpose of the Housing Trust. So, the Housing Trust should not be the only person, the only entity who gets to approve who they hire. That's where they got into problems using (inaudible)

Mr. Howell clarified that you, does not mean me, you plural, that was the then Town Administrator brought that to you. He's been looking it over all day long in preparation for this and the Town Meeting Article specifically called for a Housing Coordinator in conjunction with creation of the Housing Trust.

Ms. Harder replied, not the one we passed this summer that gave you \$50,000.00 that position, the \$50,000.00 is to go to a Housing Coordinator. It does not say a Housing Coordinator at the discretion of the Affordable Housing Trust.

Mr. MacAskill commented that this seems simple to fix and we're not going to debate it out tonight so let's get the language of the Article we're talking about in these agreements and we'll bring it back for discussion next week. He feels the Board needs to hurry up and hire a Housing Coordinator if we want to continue to move forward.

H. Discussion - Harwich Housing Committee Make-up and Charge.

Town Administrator Powers agrees with that statement and in concurrence with that the Charter talks about part-time personnel are the responsibility of the Administrator so to advertise for that position, he has the authority to do so. He can run the description of that position by the Board before he does that, he works for the Board. He will argue that there is a funding source available presently that does not require us to go to Town Meeting to fund that part-time position during the present fiscal year.

Mr. MacAskill notes that next week, with as much information as they can bring back including what they just heard about the \$50,000.00 and what The Town Administrator is talking about and what the Trust says, please.

Mr. Ballantine commented that he would like to have a clear road map of who does what to whom. We have the Housing Trust and the way we've set it up, the Housing Trust turns out to

be our end point. They're supposed to be our action people to get things done. We as the Board of Selectmen are setting overall policy for what we think they should be doing and we turn it over to them. Underneath that, we have various committees that advise, being public comment and that's in some way how we define this position of the Housing Authority of how they pull that together. We're getting mixed around on who answers to whom and it shouldn't be that complicated. We can sort the out when we get this overall understanding again of who does what to whom and we keep the goal in mind of trying to get this action out there. He asked that when they put this together, it'd be clearly outlined so they all understand it.

TOWN ADMINISTRATOR'S REPORT:

Town Administrator Powers had 2 updates for contracts that were executed. The first is a contract in the amount of \$18,162.00 that was awarded to Northeast Rescue Systems and the gear is structural firefighting gear for our Fire Department. There is an agreement with Park Street Playgrounds, LLC for \$24,084.32 for Park Street Playgrounds, LLC for performing all work and necessary services to provide the town with playground equipment. This is the Community Playground that will be contained at Harwich Elementary. Progress is being made on that front. There was a contract with Woodward and Curran who presently provide services. We've continued their contract for the town for municipal storm sewer system engineering services. This was a contract first identified by our Town Engineer, it has been extended for an additional year, \$47,000.00 for that purpose and the funding has been confirmed through our Finance Director. They make sure that the town is in all compliance with all of the annual reporting. They write the reports, they vet the reports and they submit the reports on our behalf to the state so we remain in compliance with the Storm Sewer Water System Engineering Services.

Mr. Ballantine asked, concerning the playground, the estimated completion date.

Town Administrator Powers replied there is no completion date yet. When they received the funding they needed to take the next steps, they obtained the equipment. They are still trying to ascertain if they can begin a build in the fall or the spring. Having the majority of the equipment is critical to that end.

SELECTMEN'S REPORT:

Mr. Howell reported that the Housing Trust wanted to extend an invitation to both the CPC and the Board of Selectmen to take a walk on the recently purchased Marceline property. They were hoping for September 22nd sometime early afternoon, 1:00PM.

Mr. MacAskill asked that the Board members email staff and say if they are available or not, we can get together a posting if we are available.

Town Administrators Powers noted that with amendments to the Open Meeting Law 2010 and subsequent there are exemptions on site visits, there's certain criteria that they have to establish but staff will work with counsel on that to make sure that all those entities can engage in that and that it's understood that it's a fact finding not a deliberating effort.

Ms. Anderson reported that she has been meeting with her different committees she is the liaison to and she met with the Cultural Counsel last week. They requested that the Board change the name of the Marketplace at Saquatucket. Chris Banks, one of the artists, said that people are quite annoyed after they finally park to find out they can't buy fish. They suggested it be changed to Artisan's Marketplace.

Town Administrator Powers noted that they are closed for the season so there is time to ruminate on that.

Mr. Ballantine, no report.

Mr. MacAskill offered kudos to Cindy for the parade, he thought it was excellent and to the DPW for the work they had done in the hollow.

Ms. Anderson moved to adjourn Open Session and to resume Executive Session with the understanding that they return to Open Session to adjourn, 2nd by Mr. Howell
Vote: 4:0 in favor by roll call.

Respectfully Submitted,

Judith R. Moldstad
Recording Secretary